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THE VERDICT:

A Tract

ON

The Political Significance of the Report of the Parnell Commission.

BY

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PREFACE.

My purpose in writing this tract is to bring home to Englishmen the full meaning, as yet not completely understood—and the immense political significance, as yet hardly if at all realised—of the Report made to the Crown on the 13th of February, 1890, by the Commissioners appointed under the Special Commission Act, 1888.

This tract, therefore, consists of two portions. It contains in the first place, an explanation of the "Verdict," as I have ventured to term it, delivered by the Commissioners; this comment or explanation will, I trust, help readers untrained in the interpretation of legal documents to grasp the full meaning of the conclusions arrived at by the Commissioners. It contains in the second place, a body of argument which aims at showing that the Verdict vitally affects the position of every Party in the State, and also adds strength to all the grounds on which Unionists have offered uncompromising opposition to the policy of the Parnellites and their allies. My whole argument, be it remarked, is based upon the Report. The "brief," however, if so it may be called, on which my reasoning is founded, differs from any brief handed to counsel in a court of law; for it is a statement of facts prepared not by the astuteness or partiality of a lawyer seeking to make out

a case for his client, but by the trained sagacity and rigid equity of judges who have proposed to themselves no object but the eliciting and the statement of the truth.

This preface affords the proper opportunity for expressing my deliberate conviction, based on an elaborate study of the Report, and on careful observation of every stage in the conflict between the *Times* and the Land League, that the proprietors of the *Times* have rendered a signal service to the State for which they have as yet received, even from Unionists, nothing like due gratitude. The owners of the *Times* have, it is true, in the bitter contest with foes whose wrong-doing is now established, fallen into many errors and faults. The most signal and least excusable of these mistakes has brought deep and not undeserved discredit on the management of the *Times*, and has for the moment damaged the prestige of the Unionist cause, which the *Times* intended to serve. But if the owners of the *Times* have been guilty of errors for which they have paid the due and heavy, but the adequate penalty, they have also by their exposure of Parnellism conferred a lasting benefit on the country. They have displayed high civic virtues; they have denounced, they have resisted, they have exposed, they have checked, lawless oppression; they have carried through, at their private cost (a cost which must be reckoned up by thousands of pounds), something like a public prosecution, and have thereby established against a powerful party the guilt of criminal conspiracy. That the owners of the *Times* should be blamed, and severely blamed, for their faults no one can complain. The legitimate ground for complaint is that while their faults are remembered their public-

spirited action is forgotten. Against this injustice it is a duty to protest not only for the sake of fairness to men whose sacrifices have served the State, but for the sake of the commonwealth itself. It will be an evil day for England if ever the time should arrive when the guides of public opinion are not prepared to risk the loss of wealth and influence for the sake of exposing injustice and criminality. But that time will certainly soon arrive if politicians are not prepared to pay to the public spirit of private individuals the tribute at any rate of gratitude.

Many Unionists and all Gladstonians will hold that my opinion as to the conduct of the *Times* savours of a fanaticism or party spirit which shakes their confidence in the conclusions put forward in this tract. Let me suggest that the right course for any critic who wishes to correct any bias which may against my will influence my statement of the case against the Parnellites, is to study the Report itself. If every censor who questions my fairness will read or re-read the pages of the Report, the object with which this tract is written will be fully attained. The one essential matter is that the Report should be read. The Verdict of the Commission is the condemnation of Parnellism, and when once understood will, in Great Britain at least, destroy all sympathy with Parnellite policy.

A. V. DICEY.

All Souls College, Oxford.
June, 1890.

THE VERDICT.

INTRODUCTION.

THOUSANDS of honest electors know not what to think of the Report of the Special Commission; they are dazed by all the hubbub of parliamentary debate; they are wearied by the fallacies, the invectives, the asseverations and misrepresentations of politicians. Their perplexity, moreover, is not solely due to the exaggerations and one-sidedness of parliamentary rhetoric: it is owing in part, paradoxical though the assertion may sound, to the perfect impartiality and admirable self-restraint, not only in conduct but in language, imposed upon themselves by the Commissioners. Balanced statements, limited assertions, and qualified conclusions are the natural result of passionless inquiry into the conduct of human beings. But the qualifications and limitations necessary to the expression of perfectly fair conclusions puzzle even educated men not specially trained in the weighing of evidence. The rash asseverations of partisanship are more intelligible, as well as more effective, than the measured utterances of perfect justice. Hence the very Englishmen who wish to guide their political action, as wise men should, in accordance with the conclusions of the Commissioners, hardly as yet understand what these

Report not understood.

conclusions are, or even in what direction they point. Good citizens who do not know what to think about the Report will, it may be feared, save themselves from trouble by not thinking about it at all. Hence there exists a real peril that many persons who desire nothing so much as sound and authoritative guidance through the maze of political controversy, may lose all the invaluable instruction which they ought to gather from the most important State document which has been issued during the last half-century.

Aim of tract to explain results of Report.

My aim is as far as may be to avert this peril, by affording such a plain explanation of the meaning and results of the Report as may make intelligible to readers of average education and intelligence both what are the main conclusions at which the Commissioners have arrived, and what is the bearing of these conclusions upon the great political controversy of the day. Such an inquiry into the meaning of the Report must, in order to attain its end, be conducted in accordance with certain definite principles. A few words, therefore, as to the principles or assumptions on which my examination of the Report depends may be useful by way of introduction to my argument.

Principles of inquiry

These principles are three. They are so simple, and their soundness will by most persons be so readily admitted, that to enounce them with formality may well savour of academic preciseness or pedantry. But the explicit statement of principles assumed throughout the whole of this tract as indisputable precludes misunderstanding, and is justified by the consideration that the truth and importance of each one of them has been, if not precisely questioned,

yet overlooked, in every public discussion to which the Report has given rise.

I.—*The Report, taken as a whole, must be treated as a truthful and trustworthy account of the matters with which it deals.* I.—Trustworthiness of Report.

That among men not blinded by partisanship the conclusions of the Commission should command absolute confidence is a dictate of common sense.

Of the honesty of the three judges, of their intentional fairness, of their unblemished character, of their judicial capacity, it is needless to say anything. Their special qualifications for the discharge of a most arduous task are on all hands admitted. The means possessed by them for ascertaining the truth were, strictly speaking, unparalleled; these means were such as never have been, and probably never again will be, possessed by any other men, whether politicians or magistrates. Sir James Hannen and his colleagues saw and heard all the witnesses whom the foes or the defenders of the League chose to produce; all the evidence brought forward was given on oath, it was subjected to the test of the most rigorous cross-examination, it was sifted with the utmost care without any regard to the expenditure either of time or of labour; the lawyers employed on either side were the picked men of the legal profession in England and in Ireland. No one's mouth was closed. The one circumstance which is supposed to detract from the fairness of our criminal procedure—the compulsory silence of the accused—was from the peculiar nature of the investigation got rid of. Every respondent was at liberty to appear and make whatever statement he chose in defence of himself

or of the association of which he was a member. The appearance of some and the non-appearance of others among the Parnellites incriminated were equally instructive. The non-production of proof may be at least as suggestive as its production; silence may tell more than speech. Of the amount of the evidence brought before the Commission Court some faint conception may be formed by remembering that over 450 witnesses were examined, that the proceedings in court lasted for 128 days, and that the official account of them fills a "Bluebook" of eleven huge volumes, making up 7,227 pages. During a much longer period, moreover, than the 128 days of the inquiry the effect of the evidence was before the minds of the judges. They did not deliver any hasty decision; months elapsed between the closing of the investigation and the sending in of their Report. If the account given by such men of the inferences to be drawn from such an inquiry is not to be treated as trustworthy and true, it is hard to say what is the evidence on which any man can venture to rely.

The three judges, it will be suggested, are human; they, like other men, have their prepossessions, or, to speak plainly, prejudices; they were liable to be misled; they have occasionally fallen into error. The 121 pages of the Report must occasionally contain mistakes of fact.

All this, and much more to the same effect, which might be alleged or insinuated, is in some sense true, but it is all for our present purpose irrelevant. The effect of prepossessions on the part of the Commissioners against the Parnellites, if any such prepossessions existed, has been grossly exaggerated; for any feeling against the respondents

was assuredly balanced by the weight of an opposite and most honourable prejudice from which no magistrate could be free; the mode of procedure adopted by the Commissioners, their demeanour, their language, the very terms in which their Report is couched betray the constant and (if in such a matter there can be excess) the excessive desire to preserve not only the reality but the visible appearance of justice. They wished, and rightly wished, not only to be just, but that all men should recognise in them the fairness and leniency towards the accused which is the noblest tradition of the English bench. Any possible political prepossession was well counteracted by the idol, if so it may be called, of the judgment-seat. It is, however, unnecessary for my argument to contend that the authors of the Report never made mistakes, or to claim for them a more than Papal infallibility, which they would be the last to arrogate for themselves. Some errors their Report must contain, and time will make them manifest. The only admission which my argument requires is the truth of the assertion, made with the utmost confidence, that the conclusions arrived at by the Commission constitute the best ascertained body of facts with regard to the Land League, its leaders, and their policy, accessible to Englishmen. No man of sense or fairness will treat these conclusions as practically doubtful. How dare any Unionist assert or believe that Mr. Parnell wrote the "fac-simile" letter when the Commissioners have found it to be a forgery? What right has any Gladstonian to assert that the respondents did not conspire, when the Commissioners have found them guilty of a criminal conspiracy? Zealots of every party

will in the long run find it their truest wisdom to acquiesce in the judicial verdict of the Commission Court; they may show cause for denying the political importance, but they can make out no case for questioning the substantial truthfulness, of the Report.

The language even of partisans bears witness to the soundness of this contention. Speakers of all parties impliedly recognise the essential accuracy of the Report. Unionists most rightly drop all accusations against the Parnellites which the Commissioners pronounce to have been confuted; Gladstonians argue that the deeds condemned by the Commissioners are trifling, venial, or excusable, and in any case ought not to affect our Irish policy; but they hardly deny that the findings of the Commission are justified by the facts.

Of the worth of the various excuses* put forward to diminish the political importance of the Report, it will be time to form an estimate when we have ascertained precisely what are the conclusions of the Commissioners as to the innocence or the guilt of the respondents. All that need here be noted is that apology involves confession. No one excuses an offence whereof he denies the commission. A prisoner stands accused of theft; he urges that the pressure of misery palliates appropriation by the poor of the superfluities of the wealthy; that theft is not the worst of crimes, or that casuists have discovered occasions when robbery is a virtue. The jury may admire the skill or subtlety of the defence, but they know, as they hear it, that the prisoner confesses himself guilty of larceny.

* See Cap. II.

II.—*The whole of the document signed by the Commissioners, and not only the findings which summarise their conclusions, must be read and accepted as their verdict concerning the matters referred to their decision.* II.—Report to be read as a whole.

The whole Report is the verdict or judgment of the Commissioners.

The "findings" are litttle more than a summary of the results at which the Commission have arrived. The findings indeed, if read alone, are hardly intelligible, and at any rate lose half their import. The word "intimidation" for example admits of and has received various interpretations. We understand what it means in the findings only when we have read the descriptions and the examples of it given in the body of the Report. When we read in Finding No. IV., that the respondents "did disseminate the *Irish* "*World*, and other newspapers inciting to the commission of "crime," we hardly know what was their offence. To understand its nature we must know other facts set forth in the Report; we must learn what style of paper was the *Irish World*, and what its connection with the League.* A great deal more again follows than the Parnellites or their English allies care to admit from the fact now proclaimed by the Report to the English-speaking world that *United Ireland*† has been from the first the official organ of the League, and was founded by Mr. Parnell, Mr. W. O'Brien, and other Land Leaguers. But the point now insisted upon needs no lengthy elaboration. Any reader of intelligence will soon see that it is the whole Report and not the findings

* Report, pp. 59—65. † See Report, page 65.

alone, which must be treated as the judicial decision or deliverance of the Commissioners.

III.—Substance of Report alone essential.

III.—*Our minds must be kept fixed upon the matter and the substance of the Report, and upon that alone.*

Scores of questions which have occupied, distracted, or excited Members of Parliament have little real connection with the Report, and are of no permanent importance whatever. Whether the Commission was appointed at the suggestion of the Unionists or in deference to the wishes of the Parnellites; whether the original creation of the Commission was an act of prudence or of indiscretion; whether the motives of the *Times* in publishing "Parnellism and Crime" were patriotic or malignant; whether Pigott's evidence had better have been introduced at an earlier period of the investigation before the Commissioners than that at which it was brought forward, are inquiries which to any man whose eye is fixed on the permanent interests of the nation must appear trifles worthy neither of consideration nor of answer. The questions which do concern the welfare of the state are of a very different calibre. What is the true character of the Parnellite movement? does the Land League merely tread in the steps of the Anti-Corn Law League and other perfectly lawful associations? are its authors constitutionalists or conspirators, agitators or revolutionists? These are the questions which are of vital importance to every man who has a care for the prosperity of the United Kingdom. To these inquiries the Commission's Report does in some measure give an answer; to that answer and its results it will be well as far as possible to confine our attention.

Our object should be twofold: first to ascertain exactly what are the offences of which the respondents have in the judgment of the Commissioners been guilty;* and secondly, what is in the eyes of judicious statesmanship the political importance or result of their guilt.† This at any rate is the object pursued throughout this tract.

* Chaps. I., II. † Chaps. III., IV.

CHAPTER I.

CHARACTERISTICS OF THE INQUIRY.

FOR the due understanding of the Report we must bear in mind two leading features of the inquiry whereof the Report embodies the result.

The inquiry a trial.

The first is that the inquiry as conducted by the Commissioners bore throughout a strictly judicial character, i.e., was a trial.

The three judges, for reasons which they have themselves set forth,* determined that it was not practicable for them to follow the precedents set by other Royal Commissions and devote their efforts to the investigation and discovery of facts. "We decided," they say, "that the inquiry should be conducted as though an issue had been directed to be tried to determine whether or not the persons charged had been guilty of the acts alleged against them. From the constitution of the Commission, the powers conferred upon it, and the character of the charges made, we considered that it was fitting that we should conduct the inquiry judicially and according to the laws of evidence and procedure prevailing in the ordinary courts of justice."†

Sir James Hannen and his colleagues, therefore, determined to act rather as judges than Commissioners, and to conduct not an investigation but a trial.

* Report, p. 2. † Report, p. 2.

This decision governed every step of their proceedings, and affects not only the form but the very nature of their Report. This is a matter of vital consequence, and, as its full import may not be very intelligible to laymen, deserves explanation.

Difference between investigation and trial.

In an ordinary investigation the inquirer, whether he be a man of science in search of scientific truth, or an historian engaged in ascertaining the events of a past age, or a detective bent upon tracking down an undiscovered criminal, collects and investigates, either by his own activity or by the aid of agents, the facts which tell upon the object of his inquiry. A judge, on the contrary, when conducting a criminal trial, does not collect facts, but forms an opinion upon the facts laid before him by others: the function of an investigator is discovery; the function of a judge is decision. An investigator, again, just because his object is simply discovery, uses every kind of evidence which according to the nature of the matter examined into may, in the judgment of a reasonable man, probably, or even possibly, lead him to a knowledge of the truth. But a judge, when called upon to decide, or to aid a jury in deciding, whether, for example, a prisoner be innocent or guilty of a murder, holds himself tied by rules of evidence, that is precepts, established either by Acts of Parliament or by the practice of the courts, defining what is the kind of proof which a court of justice may receive for the determination of the questions laid before it; these rules are framed by no means solely to promote the discovery of truth, but partly at least for the attainment of other objects.

An example best illustrates my meaning.

No reasonable man who, for his own satisfaction, wished to ascertain what was the conduct of the dock labourers during the recent strike, what were their motives in leaving their work, and how far, by force or otherwise, they intimidated the so-called "blacklegs," would ever tie his hands by any rules of evidence. Our inquirer would listen to everything said by persons who had, or were likely to have, direct or indirect knowledge of what took place before or during the strike; he would give ear to general report; and, though, if he understood his work, he would in his own mind distinguish carefully between the probative value of different kinds of statements, he would certainly not reject information which weighed upon his judgment, because it was only secondary or hearsay evidence. A judge, on the other hand, occupied in trying labourers on a charge of conspiracy to prevent "blacklegs" from entering into the employment of the Dock Company, would reject much evidence which our investigator would receive. He would on principle shut his ears to the effect of certain alleged facts; he would reject all hearsay; he would not pay attention to common report; he would, in many cases, decline to consider any but the best evidence.

To point out the distinction between ordinary inquiry and judicial procedure does not involve the necessity for censuring either the common-sense customs of every-day life, or the rules of evidence adopted by the Courts. The objects of ordinary investigation and of a judicial inquiry are different. It is natural, therefore, that each should be conducted on somewhat different principles. In the case, for example, of research into a matter of history, the

investigator's sole object is to get as near the truth as he can. His end is knowledge. It is therefore better that he should run some risk of error than that he should close his eyes to evidence which, though it may occasionally mislead him, holds out the promise of guiding him, if not to certain, yet to highly probable, conclusions. A judge's object in the conduct of a criminal trial (as indeed, to a certain extent, in the conduct of any trial) is different. His aim is to come to a conclusion—then and then only—when the conclusion is certain enough to justify the pronouncing of a decision. As against the prisoner, at any rate, he wishes in effect to come to no conclusion at all—or rather, in England, to prevent the jury from coming to any conclusion at all—unless it be one established with what, for practical purposes, we may call certainty. Hence, he deliberately excludes from his view considerations which, though valuable as a guide to probability, involve appreciable risk of error. He is, moreover, compelled to reject evidence of certain descriptions, not so much because it would lead to error as regards the particular case which is before the Court, as because the admission of it would, as a general rule, prevent the production of a better kind of evidence. This is the main reason why a witness is not generally allowed to give verbal evidence as to the contents of a written document. In England rules of evidence are for the most part framed in favour of the defendant or of the accused; they rest on the assumption that at every trial the matter for decision is the liability, whether civil or criminal, of a definite person. They are not framed for the promotion of investigations into the condition of a country, or into the state of popular feeling.

Consequences of difference.

Hence the judicial character given to their inquiry by the Commissioners and their deliberate adherence, as far as circumstances admitted, to English laws of evidence and of procedure, led, of necessity, to two consequences.

i. Exclusion of evidence.

The first consequence was that much evidence conceivably producible on behalf of the *Times* as to the conduct of the Land League and its connection with crime was excluded. Things which are notorious are exactly the things which are difficult of proof. The respondents might, no doubt, in their anxiety that the whole truth should be got at, have proposed and obtained some relaxation in rules existing for the protection of the accused. They did not do this to any great extent, but, on the contrary, appear to have availed themselves of every technical means of defence. For this they deserve neither praise nor blame, but a candid critic may be allowed to note that the judicial character of the proceedings before the Commission Court must have added immensely to the difficulties of the persons who had undertaken to make out the case against the respondents, and may have hindered important discoveries.

ii. Certainty of conclusions.

The second consequence of the view of their duties taken by the Commissioners is, that the definite conclusions at which they arrived are supported by the most stringent evidence. This is one of the facts which gives decisive weight to the Report. On some few points, and these points upon which much turns, discussion is closed. Conjecture has been turned into certainty.

Findings do not correspond with verdicts of English jury.

The second leading feature of the inquiry is that the Commissioners have, from the necessity of the case, come to conclusions—fairly to be called "findings" or "verdicts"—which do

not precisely tally with the only verdicts which can be given by a jury in an English criminal trial.

In England a prosecution must result in one of the two verdicts of "guilty" or "not guilty."*

The first means that the charge against the accused is conclusively proved; that he has, for instance, committed an assault or joined in a conspiracy.

The second means merely that this conclusive proof of the offence charged has not been produced. The legal effect of "not guilty" is in every case the same—namely, that the prisoner is not liable to be punished for the commission of a given crime. Its moral effect may be utterly different under different circumstances: for this verdict may amount to a declaration of the prisoner's established innocence—as where *X* is put on trial for the murder of *A*, and *A*, who is supposed to be dead, is produced alive in court—or it may be merely the expression of the jury's opinion that guilt, which is morally certain, has not been established with absolute conclusiveness. If the jury who convicted Mrs. Maybrick had adopted the view of the facts which apparently commended itself to the Home Secretary, they might have found her "not guilty;" but the simplicity would have been much more marked than the good sense of any man who, on the strength of such a verdict, had denied the probability of Mrs. Maybrick having killed her husband.

In Scotland a criminal trial may result in one of three verdicts—namely, "guilty," "not guilty," or "not proven." Correspond with verdicts of Scotch jury.

* There is no need of here referring to the very rare verdict of *autrefois acquit*.

Guilty. Of the first, which admits of no misunderstanding, nothing need be said.

Not guilty The verdict of "not guilty" must, I conceive, mean more than in England, and amount to a moral acquittal; it must signify not only that the jury are uncertain whether the prisoner did or did not, *e.g.*, commit a murder, but—what is a very different matter—that they are convinced that he did not commit a murder. The reason why "not guilty" ought to mean more in Scotland than does the same verdict in England is that Scotch jurors, when they entertain a suspicion, which does not amount to certainty, of the prisoner's guilt, may deliver a verdict of "not proven."

Not proven This verdict means, I conceive, that the proof against the prisoner is not, in the opinion of the jury, conclusive, but that they are not prepared to pledge themselves to their belief in his innocence.

The moral effect of a verdict of "not proven" must depend in each instance upon the circumstances of the particular case.* It may come near to a moral acquittal, it may amount to something like a scarcely qualified condemnation.

It is necessary for a reader engaged in interpreting the findings of the Commissioners to consider with care what are the circumstances on which depends the moral effect of a verdict of not proven. For the Commissioners have, in substance though not in form, followed the Scotch rather than the English system. They have, not in technical terms but in effect, pronounced three different kinds of verdict in respect of the allegations against the respondents.

* See Lord Selborne's speech, Hansard, Vol. 342, pp. 1,409, 1,410.

As to some of them—such, for instance, as the charges founded on the fac-simile letter—they have found the respondents in the strictest sense innocent. They "entirely "acquit Mr. Parnell and the other respondents of the charge "of insincerity in their denunciation of the Phœnix Park "murders, and find that the 'fac-simile' letter on which this "charge was chiefly based as against Mr. Parnell is a forgery." Here we have a verdict of "not guilty" in the strictest sense of the term. It is a real acquittal. It is a much more complete vindication of Mr. Parnell, in respect of the matter referred to, than could have resulted from the verdict of any English jury, for a jury, if they had held the proof of Mr. Parnell's writing the letter legally incomplete, ought to have found him not guilty of writing it, even though they inclined to the belief that he did write it. But when the Commissioners (who, be it remarked, do not use the words "guilty" or "not guilty") "find that all the letters "produced by Pigott . . . . . are forgeries," and "entirely acquit Mr. Parnell and the other respondents of "the charge of insincerity in their denunciation of the "Phœnix Park murders,"* they pronounce the respondents in regard to the special charge absolutely innocent. Common fairness demands that this finding should be treated (as it will be throughout every line of this argument) as one of absolute moral acquittal.

The three findings. Not guilty (acquittal)

On other charges—*e.g.*, the charge of disseminating newspapers tending to incite to sedition, and the commission

Guilty (condemnation).

* Report, pp. 58, 59.

of other crimes, the Commissioners find the respondents guilty. "We find," they write, "that the respondents did "disseminate the *Irish World*, and other newspapers tending "to incite to sedition, and the commission of other crime."* This is in the strictest sense a verdict of guilty, and as conclusively determines the guilt of the respondents, in respect of the charge to which it applies, as that which I have called the verdict of "not guilty" is, in respect of other charges, conclusive of their innocence.

Not proven (guilt doubtful).

A third class of charges, which are by no means unimportant, are treated by the Commissioners as not proved. Thus they find that "it has not been proved that the "[respondents] were intimately associated with notorious "criminals."† As to these charges they have, then, in substance, given a verdict of "not proven."

Effect of "not proven" depends on

The moral effect of such a finding depends in the main upon two considerations.

i. character of accused.

The first consideration is the character of the accused, combined with the nature of the act to which the verdict applies. If he strenuously denies the commission of the imputed offence, say theft; if he is one whose word has been hitherto found, as the expression goes, as good as his bond; if no act akin to theft can be proved against him, then the verdict may come near to an acquittal. But if the accused be a person whose credit is greatly shaken, and who is convicted of offences not morally very unlike theft, then the finding of "not proven" comes morally very near to a verdict of guilty.

* Report, p. 119. † Report, p. 120.

The second consideration is the readiness or the refusal of the accused to produce all the evidence which may test his guilt or innocence. ii. Willingness to produce evidence.

A man stands at the bar on a charge of embezzlement. If he hunts for and produces all his books, bills, and receipts, and is ready to go into the state of his accounts, and all his money transactions, then the jury who deliver a verdict of "not proven" may well in the eyes of candid observers show rather the strength of their own prejudices than the guilt of the prisoner. But if the accused refuse to produce his account books or ledgers, or at the moment he finds himself suspected, destroys every scrap of paper which, were he innocent, might establish his innocence, but if he were not innocent, might demonstrate his guilt, then a verdict of "not proven" will not clear his character. Every one will feel that that conduct which has saved the accused from conviction has also left him subject to irremovable suspicion of guilt.

In no case will friends, if judicious, attempt to save a man's character, when suffering under a more or less adverse verdict, by putting forward the plea that "every man "must be presumed innocent until he be proved guilty." This maxim is sound in its proper place; it means that no man must undergo punishment until his guilt is made a moral certainty. It does not mean that the conduct of life must be regulated by a salutary fiction of the law courts. A lady was some years ago put on trial for the murder of her lover. She escaped the gallows under the benefit of a verdict of "not proven." That she should escape punishment was right. But if an enthusiast had consulted a

friend on the expediency of marrying the heroine of such a *cause célèbre*, the adviser who had replied, "The lady's "guilt is not proved, she must therefore be presumed "innocent—you would, then, act foolishly and wrongly in "allowing weight to the suspicion that your intended bride "is a murderess," would have proved himself a knave or an idiot.

CHAPTER II.

THE FINDINGS* OF THE COMMISSION.

Two facts of supreme political importance result from the Report, and give to the findings of the Commissioners their true import and colour.

Two important facts.

First—The leading Parnellites (such, for example, as Mr. Parnell, Mr. William O'Brien, Mr. T. M. Healy, Mr. Justin M'Carthy—the representatives of Parnellism, in short, best known to Englishmen—together with Mr. Davitt, who is hardly, perhaps, to be counted a "Parnellite" in the strict sense of that term) have constituted a body of persons who, acting together as a society, with definite principles, in pursuit of definite objects, to be obtained by definite modes of action, have incurred collective responsibility for their acts and the acts of their society—which, be it noted, under the name of the Land League, the National League, or the Ladies' League, has always been one and the same association.†

Collective responsibility of respondents as Members of League.

This collective responsibility of the forty-four‡ leaders of the League (referred to in the Report, and generally hereinafter, as the respondents) is a matter of the gravest

* In an Appendix will be found the findings of the Commissioners set out in their own words. It ought constantly to be referred to by my readers.

† Report, p. 97.

‡ See names of the forty-four respondents in Appendix.

import.* It determines the character of Parnellism, and gives to violent speeches and criminal publications their true significance, for it converts what might be isolated expressions of private passion, spite, or recklessness, into the deliberate utterances of a powerful society. The difference between the unconnected acts of individuals and the collective action of an association is a distinction as easily drawn by popular common sense as by legal acuteness. Jesuitism became a bye-word among Protestants not because some, or even many, Jesuits lied or prevaricated; but because of the belief, whether well founded or not, that lying and prevarication for the good of the Church were practices taught and encouraged by the Society of Jesus.

Discovery of truth not aided by respondents.

Secondly—Some, at any rate, among the most influential of the respondents, have by no means facilitated the discovery of truth. They have, on the contrary, done a good deal to prevent the truth from being discovered.

"*We may say generally that we have not received from "Mr. Parnell and the officers of the Land League the assistance "we were entitled to expect in the investigation of the Land "League accounts, in order that it might be seen how its "funds were expended.*"†

To this passage from the Report which is here italicised it will be necessary to recur, but it is well that it should be

* The number of the persons implicated in the charges made by the *Times* was, if Mr. Davitt be included, originally sixty-six. Twenty-two of these sixty-six are persons against whom, in the judgment of the Commissioners, no evidence was produced. They are therefore unaffected by the Report. (See Report, pp. 3 and 55.)

† Report, p. 97.

in the mind of every reader at the very threshold of our inquiry.

Bearing in mind the two important facts just noted, let us examine the findings or conclusions of the Commissioners under three heads, according as they amount respectively to the findings of (1) not guilty, (2) not proven, (3) guilty.

A.—NOT GUILTY.

Not guilty of—

I. *The respondents collectively were not members of a conspiracy having for its object to establish the absolute independence of Ireland.**

I.—Collective conspiracy in favour of Irish independence.

This amounts to an acquittal of the respondents as a body on the charge of high treason.

As regards Mr. Davitt and seven others, including Mr. Wm. O'Brien, this finding is qualified by their being found guilty of having established the Land League as a means of bringing about the absolute independence of Ireland.

II. *The respondents did not directly incite persons to the commission of crime other than intimidation.*†

II.—Direct incitement to commission of crime except intimidation.

The respondents are hereby distinctly acquitted of directly inciting to any crime, except intimidation; and further, if the language in other parts of the Report‡ be taken into account, are acquitted of any intention whatever to procure the commission of murder.

The limitation, however, implied in the use of the word "directly" is noteworthy, and "intimidation," as described

* Finding I., Report, p. 119 and pp. 21—32.

† Finding V., Report, p. 119 and pp. 76—88.

‡ See p. 76.

by the Commissioners, will be found to include acts which are both illegal and immoral.

III.—Hypocrisy in denunciation of Phœnix Park murders.

III. *Mr. Parnell and the other respondents are not liable to the charge of insincerity in their denunciation of the Phœnix Park murders, and the "fac-simile" letter on which the charge was chiefly based as against Mr. Parnell is a forgery.**

The fullest possible effect must be given to this finding.

The acquittal of Mr. Parnell and his followers on the charge of hypocrisy in denouncing the Phœnix Park assassinations, and upon every other charge based upon the forged letters, has cleared their character from aspersions to which no man's reputation ought to have been subjected. This statement should be made by every Unionist, as by every honest man, in the strongest terms in which it is capable of being expressed. Slander is a weapon not to be used, or even touched, in political, or indeed in any other kind of warfare.

Fairness, however, to the managers of the *Times* requires that this statement should be accompanied by the assertion of the conviction entertained not only by Unionists but by candid Home Rulers, such as Lord Spencer,† that the *Times*, however foolishly, believed in the genuineness of the letters at the time of their publication.

IV.—Entire abstinence from denouncing crime.

IV. *Some of the respondents, and in particular Mr. Davitt, did express bonâ fide disapproval of crime and outrage.*‡

* Finding III., p. 119, pp. 58 and 156.

† Hansard (1890), Vol. 342, p. 43.

‡ Report, p. 119.

This finding acquits Mr. Davitt and some of the respondents from the charge of indifference to the commission of crime and outrage.

It applies to some of the respondents only, and its effect is a good deal diminished by their being found guilty of persisting in a system of intimidation with a knowledge that it led to crime and outrage.*

Special charges as to Mr. Parnell.

The above four findings affect the respondents, with certain limitations, as a body.

The Commissioners further clear Mr. Parnell of two purely personal charges.

I.—Not guilty of connection with Invincibles.

I. There is no foundation, they find, for the charge that Mr. Parnell was intimate with the leading Invincibles; that he probably learned from them what they were about when he was released on parole in April, 1882, *and that he recognised the Phœnix Park murders as their handiwork.*†

The Invincibles, they add, were not a branch of the Land League.

Mr. Parnell is thus absolutely acquitted of all intimacy with the Invincibles and all connection with their crimes.

II.—Not guilty of intentionally aiding Byrne's escape.

II. Mr. Parnell did not make any remittance to enable F. Byrne to escape from justice.‡

Mr. Parnell is acquitted of all complicity with the escape of Byrne, who left England under suspicion of some connection with the Phœnix Park assassinations, and whose wife was afterwards in America, in his presence, presented with

* Report, p. 120 and pp. 57, 58.

† Report, pp. 120, 93.

‡ See Report, p. 120.

a well-filled purse for her memorable courage in connection with the victory in Phœnix Park.*

This finding needs explanation. It does not mean, as a careless reader might suppose, that Mr. Parnell did not supply money to Byrne; what it does mean is that Mr. Parnell, though he did make a payment of £100 to Byrne, did not make it with the intention of enabling Byrne to escape from justice. "That Mr. Parnell paid a sum of "£100 to F. Byrne, at his request, immediately before he "left the country, has been proved, but it has been satis- "factorily shown that it had no connection with his flight, "and that Mr. Parnell had no knowledge of his intention "to leave or of the cause."† These words of the Commissioners acquit Mr. Parnell of aiding in Byrne's escape: they show that a payment *primâ facie* most suspicious was innocent, but they show also that the suspicions of those who, like the *Times*, knew of the payment were, till the circumstances were fully explained, justifiable. Suspicion was not diminished by a circumstance to which the Commissioners do not refer—namely, that in the House of Commons both Mr. Parnell and Mr. Justin M'Carthy made statements with reference to the alleged payment to Byrne which were in fact erroneous, and which were shown to be so in the course of the investigations before the Commission.‡

* See Evidence before Commission, Vol. IX., pp. 520, 521, and conf. speech of Sir H. James, Evidence, Vol. XI., pp. 452—454.

† Report, p. 93.

‡ See Hansard, Vol. 328 (6th July, 1888), pp. 575—582, and conf. speech of Sir H. James, Evidence, Vol. XI., pp. 459—461.

proven does really leave their innocence doubtful, then it leaves a grave slur on their character, and aggravates the effect of the charges on which they are found guilty.

What is the effect of this verdict in the particular instance must, as already pointed out, be determined by the application of the proper tests—which are, first the character of the accused and of the alleged offence, and, secondly, the readiness or remissness of the accused in the production of decisive evidence.

Neither of these tests produce results favourable to the respondents.

There is nothing in the character of the respondents, or in the nature of the offence, which of itself rebuts the charge that they may have assisted criminals to escape from justice.

Of the respondents some have been Fenians, and all of them stand convicted by the Commissioners of participation in a criminal conspiracy.* They have paid compensation to wrongdoers who were injured in the commission of crime. Men who commit crimes and compensate criminals may naturally be suspected of having tried to save their agents or associates from punishment for their breaches of criminal law.

The respondents have been far from zealous in the production of decisive evidence; they have failed to produce, if they have not destroyed or deliberately kept back, documents of vital importance.

A complete investigation into the accounts of the Land

* See Report, p. 119, Finding II.

League was an essential preliminary to the satisfactory disposal of charges against the respondents, and such an examination has been made impossible, in part at any rate, by the action or inaction of the respondents themselves.

On this point the language of the Commissioners is decisive, and ought never to be forgotten.

"We have information from Mr. Davitt of a book "called the Book of Kells, kept by the Ladies' Land "League. Neither this book nor any other book of the "Ladies' Land League has been produced.

"Thus we have over £100,000 of Land League funds "received, but no details of the manner in which it was "expended.

"It is proved that the books and documents of the "Land League were numerous and bulky. Mr. Davitt "speaks of 'thousands of letters.' Farrigher, the clerk of "the Land League, deposes to books and letters taken in a "van. Phillips speaks of a sackful of letters every morn-"ing, and, indeed, when we consider the enormous amount "of business transacted, the staff of clerks kept, and the "large sums of money spent, it is obvious that there must "have been numbers of books and documents which, if "they had been produced, would have thrown light on the "nature of the Land League proceedings. We have been "unable to obtain these documents, and no valid excuse "has been given for their non-production.

"The books which have been produced before us by "the respondents are four small books which Mr. Maloney "states he always kept in his possession, and which were "left behind in Ireland at the time of the general removal

"of the books in October, 1881. We were informed that "the books of the National Bank containing the entries for "the years down to 1883 had been destroyed by the bank "officials in March, 1889, according to their usual course "of business.

"We have also to observe on the non-production of the "cash books and ledgers for the years 1881-83 of the Land "League of Great Britain, of which Frank Byrne was the "then secretary.

"Mr. Justin M'Carthy, M.P., in an affidavit he made on "the 9th of October, 1888, stated that he had obtained a "list of the books relating to this League, and which he was "willing should be produced. This list had been furnished "to him by Mr. Brady, the secretary of the English Branch "of the National League.

"During the progress of the case the production of "these cash books and ledgers for the years 1881 to 1883 "proved to be of importance. When called for, Mr. Justin "M'Carthy was unable to produce them, and was unable to "explain the reason for their non-production. Mr. G. Lewis, "the solicitor for the respondents, stated that a mistake had "been made in the affidavit. Mr. Brady was in court but "was not called, and how and in what way the suggested "mistake arose, if any did arise, has never been explained, "nor have the books for 1881-83 been produced.

"In the course of the inquiry into the accounts of the "League, it appeared that after February, 1881, Egan kept "an account in Paris at the bank of Messrs. Monro & Co. "We appointed a commission to examine the books in "Paris, but Messrs. Monro declined to allow them to be

"seen, and as they were not subject to our jurisdiction the "commission was without result. We therefore requested "Mr. Parnell to give authority to Messrs. Monro to produce "the accounts relating to the Land League. This he "refused to do. We have therefore been deprived of "evidence upon the question how the moneys of the Land "League were expended in the years 1881 and 1882.

"On this subject we may say generally that we have "not received from Mr. Parnell and the officers of the "Land League the assistance we were entitled to expect in "the investigation of the Land League accounts, in order "that it might be seen how its funds were expended."*

Add to this that but a few of the respondents came into the witness-box, and that, with the exception of Mr. Davitt, they all retired from the case on grounds which to most persons must appear pre-eminently unsatisfactory.

Under these circumstances the verdict of "not proven" must be taken for what it is worth; but as a vindication from the charge of consorting with criminals, and aiding their escape, it is worth next to nothing. But for something like an accident no evidence would have been obtainable of payments to persons injured in the commission of crime. But just because a few documents escaped destruction we now know that such payments were made by the respondents.

C.—GUILTY

Importance of respondents' guilt.

When public men stand accused of grave misconduct, it is of comparatively little consequence to know what are the offences which they have not committed, or what are

* Report, pp. 96, 97.

the offences which they may be suspected, but cannot be proved, to have committed. The really important thing is to ascertain what are the offences of which they have been found guilty.

This truism is worth repetition, because apologists for Parnellism sometimes use language which implies that a person's acquittal on an ungrounded charge, say of hypocrisy or of abetting murder, lessens the seriousness of his established guilt on some other charge, say of compensating criminals injured in the commission of crime, or of taking part in a criminal conspiracy. Such a mode of argument applied to the affairs of ordinary life would be admittedly absurd. A clerk is accused of forgery, embezzlement, and theft. He is absolutely acquitted of the first charge, he is, after great hesitation on the part of the jury, found not guilty of the second, but he is convicted of petty larceny. No one supposes that his employer will, after the criminal comes out of prison, reinstate him in his employment. He is certainly not a forger, he has possibly not committed acts of embezzlement, but for all that he is a thief. All this is plain enough in the world of business, it ought to be equally plain in the world of politics. To shout "Pigott," or to asseverate that Mr. Parnell had no intention of aiding Byrne's flight from justice, does not, in the eye of reason, diminish by one iota the gravity of the offences—*e.g.*, criminal conspiracy—of which Mr. Parnell and the other respondents have been found guilty.

Our object should be to ascertain precisely what these offences are; and to consider what is their moral and political character.

Offences of respondents.

The offences of which the respondents have been convicted may be brought under three heads,* viz.:—(1) Treason,

* ENUMERATION OF OFFENCES WHEREOF THE RESPONDENTS FOUND GUILTY.—The aim of this enumeration is to give a list of the offences committed by the respondents. For the exact words and order of the Findings, which are not here followed, see Appendix, p. 189, *post.*

I. *Treason or Sedition.*

1. Mr. Davitt, Mr. M. Harris, Mr. Dillon, Mr. William O'Brien, Mr. W. Redmond, Mr. J. O'Connor, Mr. Joseph Condon, and Mr. J. J. Kelly, established and joined the Land League with the intention of bringing about by its means the absolute independence of Ireland as a separate nation. (Finding 1, Report, pp. 119, and 21-32.)

II. *Alliance with Patrick Ford and American Physical Force Party.*

2. The respondents invited the assistance and co-operation of, and accepted subscriptions of money from, well-known advocates of crime and the use of dynamite, and invited the assistance and co-operation of, and accepted subscriptions of money from, Patrick Ford, a well-known advocate of crime and the use of dynamite; but it has not been proved that the respondents, or any of them, knew that the Clan-na-Gael controlled the League, or was collecting money for the parliamentary fund; and the respondents invited and obtained the assistance and co-operation of the Physical Force Party in America, including the Clan-na-Gael, and in order to obtain that assistance, abstained from repudiating or condemning the action of that party. (Finding 9, Report, p. 20.)

III. *Criminal Conspiracy.*

3. The respondents combined to carry out a system of boycotting, that is a system of coercion and intimidation of a most severe and cruel character; and entered into a criminal conspiracy, one of the objects of which was, by means of such coercion and intimidation, to promote an agrarian agitation against the payment of agricultural rents, for the purpose of impoverishing and expelling from Ireland the Irish landlords, who were styled the English garrison. (See Finding 2, Report, pp. 32-55, and compare carefully the language of the Finding as given in Report, p. 54.)

4. The respondents disseminated the *Irish World* and other newspapers, including *United Ireland*, tending to incite to sedition, and the commission of other crime. (Finding 4, Report, p. 119, and pp. 59-76.) And the respondents, while not directly inciting to the commission of crime, other than intimidation, incited to intimidation; and the consequence of this incitement was the commission of crime and outrage. (Finding 5, Report, p. 119, and pp. 76-88.) And the respondents did not denounce this system of intimidation which led to crime and outrage, but persisted in it with the knowledge of its effect. (Finding 6, Report, pp.

or sedition. (2) Alliance with the American Physical Force Party. (3) Criminal conspiracy. Each head requires separate consideration.

First—Treason or Sedition. Treason.

When Mr. Davitt, Mr. William O'Brien, and six others, formed the Land League, wishing thereby to bring about the absolute independence of Ireland, their conduct may have been either strictly lawful or in the highest degree criminal.

If their intention was to use for the promotion of their purpose no weapons but legitimate argument and persuasion, and to carry their purpose into effect by means of an Act passed by the Imperial Parliament, then the formation of the Land League was a lawful act, and the conduct of Mr. Davitt and his friends was that of loyal British subjects.

But if the suggestion that Mr. Davitt and his allies intended to use none but the most strictly legal methods of agitation, savours, as in the judgment of most persons it must, rather of irony than of candour, then the League was at the moment of its establishment an unlawful association, and was formed by some at least of its founders for purposes of sedition or treason.

Whether treason, which is always a crime, must also be a heinous sin, is a matter which does not at this moment call for discussion. Let it be granted, for the sake of argument, that the conduct of Mr. Davitt and his

119, 120, and pp. 88-93.) And the respondents further defended persons charged with agrarian crime, and supported their families (Finding 7, Report, p. 120, and pp. 92, 93), and compensated criminals who had been injured in the commission of crime. (Finding 8, Report, p. 120, and pp. 93-95.)

companions admits, *in foro conscientiæ*, of ample justification. It does not thence follow that the intentions and objects of some at least among the respondents in the establishment of the League, did not render the society a menace to the peace of the United Kingdom, or that any statesman ought to forget that among the creators of the League there were some conspirators whose ultimate aim was the establishment of the absolute independence of Ireland.

Alliance with Physical Force Party.

Secondly—The alliance with Patrick Ford and the Physical Force Party in America.

It has long been known that the leaders of the League depended for the success of their projects upon pecuniary assistance from the United States. Three circumstances not quite so well known have however been by the labour of the Commissioners now placed beyond a doubt.

Connection with Ford.

The respondents, in the first place, invited and obtained the co-operation and the money of Patrick Ford, a villain who, let Mr. Davitt say or think what he likes, has published doctrines whereof the cruelty and the immorality shock the civilised world.

Whoever thinks this description exaggerated should read the extracts from Ford's paper, the *Irish World*, given in the Report, and especially the scheme whereby London was to be laid in ashes in twenty-four hours,* or study Ford's own account of the Emergency Fund,† whereby England was "to be plagued with all the plagues of Egypt," and "to be scourged by day and terrorised by night."‡ This monster of cruelty, as late as 1884, wishes "success "to the National League, and more power to dynamite;"

* Report, p. 60. † Report, p. 64. ‡ Report, p. 64.

and in 1886, writing of what he termed "the gospel of "dynamite," says: "Well, all that I have ever said on this "subject I stand by now. . . . Dynamite, employing it in "the direction given to it by Irish patriotism, was never 'intended for anarchical purposes. It was not a war "against society; it was a war between the two nations."* This, be it noted, is the teacher of whom Mr. Davitt has said that "he has yet to meet a better man morally, both "as a Christian and as a philanthropist, than Patrick "Ford."† Robespierre was admired for his private virtues, and even after the fall of Robespierre, Marat received democratic canonisation by burial in the Pantheon.

Assistance from Clan-na-Gael.

The respondents, in the second place, have obtained the assistance of the Physical Force Party and the Clan-na-Gael.‡ One Gladstonian of ability imagines the Clan-na-Gael to be a national friendly society, a benefit club, an association, I suppose, of good Samaritans.§ To the English people on both sides the Atlantic its name is known in connection with the murder of Dr. Cronin. This crime was marked by one infamy all its own. The ruffians who robbed Dr. Cronin of life tried to rob him also of character.

Acquiescence in doctrines of dynamiters.

The respondents, lastly, with a view to obtaining pecuniary assistance of American dynamiters, abstained from repudiating their policy.

* Report, p. 65. † Report, p. 65.

‡ It must in fairness to the respondents be remembered that they did not know the extent of the influence of the Clan-na-Gael over the Irish National League in America, or that the Clan-na-Gael was collecting money for the Parliamentary Fund. (See Report, pp. 118-120.)

§ See speech of Mr. Asquith, Hansard, Vol. 342, p. 393 (7th March 1890). Compare speech of Mr. Davitt, Evidence, Vol X., p. 547.

In all this, it will be said, there is no legal crime. Politicians, however, only too much inclined to plead that breaches of law need not be offences against morals, must be reminded that there are grave breaches of morality, the commission of which involves no breach of law. How far alliance with dynamiters sullies the purity of patriotism is a question which must be left to the judgment of the world. The general conscience of mankind pronounces in the long run verdicts against which there is no appeal. Irreversible condemnation has fallen not only on the miscreants who perpetrated the Massacres of September, but also upon the patriots who did not repudiate crimes which they many of them abhorred. The morality, however, of an alliance between patriots and scoundrels is a speculative question of no great practical moment. What is far more important to note is that the obtaining of aid from dynamiters, together with many other offences charged against the respondents, is fully justified by Mr. Parnell's avowed principles: "*You cannot effect a social revolution* "*by dealing with it with kid gloves. . . . A true re-* "*volutionary movement in Ireland should, in my opinion,* "*partake both of a constitutional and an illegal character.* "*It should be both an open and a secret organisation, using* "*the Constitution for its own purposes, but also taking ad-* "*vantage of its secret combination.*" *

Let these words be mentally underscored by every reader; they are the key to the position of the Parnellites during the past eleven years. Contempt of kid gloves means defiance of law.

* Report, p. 18.

What concerns us, let me repeat, is no nice question of conscience, but a very urgent matter of practical statesmanship. Whether politicians who intrigue with the enemies of their country are patriots or traitors may be a matter of opinion, but that such intriguers cannot safely be entrusted with power is a certainty. The Jacobites who sought help from France in bringing about the restoration of the Stuarts, were many of them gentlemen whose only fault was a false idea of loyalty. But as long as Jacobitism meant disloyalty to England, Whigs were amply justified in maintaining that no Jacobite could be safely admitted to a share in the government of the country. It is difficult for ordinary men to believe that a political party can rightly receive aid from dynamiters and assassins. But if casuists think otherwise, there is no need to involve ourselves in the futilities of casuistical controversy. Mr. Parnell's conscience may justify him in not denouncing the doctrines of Patrick Ford and the whole gang of dynamiters. So be it. It still remains true that Mr. Parnell has solicited and received aid from scoundrels or fanatics, who are not only the bitterest foes of Great Britain, but, from the doctrines they countenance, the enemies of the human race; and that he, a subject of the British Crown, a citizen of the United Kingdom, a member of the British Parliament, has, in order to obtain assistance which most politicians would feel was in itself a degradation, abstained from denouncing schemes of enmity which no civilised State at open war with Great Britain could adopt without incurring the condemnation of mankind. Disloyalty of this kind may or may not admit of palliation, but it should suffice to exclude

Parnellites and the allies of Parnellites from all share in the government of the United Kingdom.

Conspiracy

Thirdly—Criminal Conspiracy.

This is the heinous crime of which the Parnellites have been guilty; their other breaches of law or of morality are, speaking roughly, the means or consequences of a criminal conspiracy. It is the commission of this crime, and all the wrong-doing connected therewith, which divides off the Parnellites from every other political faction, and turns them from reformers or agitators into revolutionists and conspirators.

It is worth while to examine with the utmost care the characteristics of that criminal conspiracy which marks the respondents as revolutionists.

General nature of Parnellite conspiracy.

Let us look first at their offence from a general point of view.

The aim, or at any rate the immediate aim, of their conspiracy or plot is the impoverishment of Irish landlords and their expulsion from Ireland. The plan of the conspiracy, as designed by its authors, is the refusal by debtors to pay a particular class of debts, namely agricultural rents, and the resistance to ejectment. The means devised for the maintenance of this scheme is "boycotting," which means the application of cruel intimidation and coercion to all persons of whatever description who, refusing obedience to the commands of the League, obey the law of the land by the payment of rent due, yield to the dictates of humanity by assisting a boycotted neighbour when in want, or dare

to exercise their undoubted legal rights by taking farms rendered vacant by eviction.

In support of this plan the respondents, that is the leading members of the League, have preached the doctrine and advised the practice of coercion and intimidation; they have printed, they have published, they have circulated newspapers inciting to the commission of crime. They have indiscriminately defended persons charged with agrarian offences, that is with breaches of the law connected with this scheme of coercion and intimidation; they have compensated criminals for injuries incurred in the commission of crime. Whether they have not gone further and assisted criminals to escape from punishment is, as already pointed out, a question as to which every man may form his own opinion.

The immediate consequences of this system have been those contemplated by its inventors. Cruel and lawless intimidation has enforced submission to the law of the League, and opposition to the law of the land.

The ulterior consequences have been far more terrible than those designed by the conspirators. Systematic intimidation has resulted (as was to be expected) in outrage and in murder. The respondents indeed have not "directly" incited to the commission of crime other than intimidation; they have never wished or intended to cause the commission of murder;* but they have never denounced the system of intimidation which led to crime and outrage, but have persisted in it with a knowledge that it did lead to crime and outrage.

*Report, p. 76.

Such is the general nature of the criminal conspiracy whereof the respondents have been guilty.

Special characteristics.

Let us look at the matter now a little more minutely, and examine in detail the features of their crime.

We must consider the *aim* of the conspiracy, the plan *and the means* by which it has been sought to attain this aim, and the consequences to which the execution of this plan has given rise.

Aim of conspiracy.

1. *The aim.*—The aim or purpose of the conspiracy is the ruin of Irish landlords and their expulsion from Ireland.

This purpose is as unlawful and criminal as can be any purpose whatever.

A conspiracy to ruin landowners and expel them from the country, stands legally and morally exactly in the same position as a conspiracy to ruin our Jewish fellow-citizens and compel them to leave the United Kingdom, or a conspiracy to ruin Irish labourers, and compel them to quit Great Britain.

Each of these conspiracies is equally opposed to the law of England, and is equally, it may be hoped, opposed to the conscience of Englishmen. Each ought to bring down equal disgrace on any body of politicians by whom it may be encouraged, fostered, or planned. Owners of land have still in the United Kingdom the rights of citizens; they may demand the same protection from the law as is claimed by traders or artisans. Let it further be noted that while the conspiracy of which the respondents have been guilty has aimed at the impoverishment of landlords, and their expulsion from Ireland, it is impossible not to see that this conspiracy stands in close connection with the other political

objects of the Parnellites. It is a part of that true revolutionary movement which, in the judgment of Mr. Parnell, should partake "both of a constitutional and illegal "character."*

2. *The Plan.*—The method or plan of the conspiracy is the promotion of an agitation against the payment of agricultural rents, by a system of coercion and intimidation, *i.e.*, by boycotting.

So much cant has been talked or written on this subject that Englishmen have forgotten the true meaning of that scheme of oppression to which Captain Boycott's wrongs have given the name. Many fancy that a landowner or a tenant, or a shopkeeper, who is boycotted in Tipperary or Kerry, suffers no more serious inconvenience than a shoemaker at Northampton, who because he speaks for Mr. Bradlaugh loses the custom of a Tory squire.

To clear our minds from all haziness on this topic nothing more is necessary than to consider with care the language of the Report.

Let us first take boycotting as recommended by its authors—men, be it remembered, who intentionally combined a constitutional and an illegal movement, and who while wishing to be understood in this sense by their own followers, desired by the speciousness or ambiguity of their language to avoid incurring from others the charge of conspiracy or rebellion.

Hear Mr. Parnell:—

"Now, what are you to do to a tenant who bids for a "farm from which his neighbour has been evicted? (Various

* See Report, p. 18.

"shouts, among which 'Kill him,' and 'Shoot him.') Now, I "think I heard somebody say, 'Shoot him'—('Shoot him') "—but I wish to point out to you a very much better way, a "more Christian and a more charitable way, which will give the "lost sinner an opportunity of repenting. (Hear, hear.) "When a man takes a farm from which another has been "evicted, you must show him on the roadside when you "meet him, you must show him in the streets of the town, "you must show him at the shop-counter, you must show "him in the fair and in the market-place, and even in the "house of worship, by leaving him severely alone, by putting "him into a moral Coventry, by isolating him from the rest "of his kind as if he was a leper of old—you must show "him your detestation of the crime he has committed, and "you may depend upon it, if the population of a county in "Ireland carry out this doctrine that there will be no man "so full of avarice, so lost of shame, as to dare the public "opinion of all right-thinking men within the county, and to transgress your unwritten code of laws." (Cheers.)*

Listen now to Mr. Dillon:—

"I would not injure any man, but a way to deal with "him is this: do not have any communication with him at "all; do not allow your children to mix with his children; "do not speak to him, and have no dealings with him; "neither buy nor sell with him; show in every way that "you regard him as what he is, that he is a traitor to his "people and his country, and a friend of the oppressors of "the people. Believe me, if you keep up that system for a

* Report, p. 38.

"short time, it will be far more effectual than if you shoot "him, because no man can be punished for such a deed, and "you will find that he will give way before long to the force "of public opinion, and will hand back the farm, as many "men have already done, to its rightful owner. I be- "lieve that if you act upon these lines and organise your- "selves thoroughly, and never mind Parliament at all, that "you will bring about a settlement of this question very "soon, and a settlement very favourable to the people. "Do you reduce the rents in Tipperary; do you pre- "vent evictions in Tipperary, and let the Parliament in "London settle the land question whenever they have "time." (Cheers.) *

"Every townland," says the same authority, "must be "canvassed carefully, and every farmer asked to join, and "any man who breaks the rules of the Land League, and "takes a farm from which a neighbour has been evicted, or "who buys cattle or crops which have been seized for rent, "or who has any dealings with a man who has taken a farm "from which a neighbour has been evicted, that man you "must not speak to, you must not buy from him, nor sell to "him, nor have any dealings with him whatever, and before "the month is out he will leave the farm vacant." †

Mr. Dillon is afraid lest the local bodies should not take the management of boycotting into their own hands. "Do "not," he says, "be waiting for directions from Dublin. "Do not be looking for leaders; let every townland fight "this battle." ‡

* Report, p. 39. † Report, p. 40. ‡ Report, p. 42.

Mr. Biggar recommends boycotting even more plainly than his associates.

"Then, again, suppose a tenant is evicted, you can, if "possible, take means to have this tenant put back into "his holding. You can take care that the land will be of "no value to anybody else, you can take care that the "cattle shall not be cruelly treated, but that they can "stray off the land; the fences will fall down, and there "will be no benefit in having the land. Suppose any man "takes this land? (Interruption.)

"These are all means which you can take. Another "means was taken in Limerick the other day. A farmer "had taken a farm from which the occupier had been "evicted. He took the produce to Limerick market, and "could get no buyer. You can take care that any of these "shall be a marked man, and shall suffer instead of gain." *

Mr. Boyton is not one of the respondents, but he was an organiser of the League. His advice is in substance that of his leaders, but it is more explicit.

"We have seen plenty of them" (landlords and agents) "who deserve to be shot at any man's hands. I have "always denounced the commission of outrages by night, "but meet him in the broad daylight, and if you must blow "his brains out, blow them out in the day-time. It will "be your duty to punish those people (the landlords), for "any exercise of their power. Don't be afraid of the "Government or the police, but teach that man (the land-"grabber), to be afraid of you." †

The passages cited show to demonstration the nature

* Report, pp. 42, 43. † Report, p. 47.

of boycotting as planned by the Parnellite conspirators; the vain dream that it meant anything short of intimidation is dispelled for ever.

Commissioners' opinion of boycotting.

Let us see now what boycotting came to in the judgment of the Commissioners, men, be it observed, who now know tenfold more about it than all the English Home Rulers, whether inside or outside of Parliament.

"It will be seen from these instances of boycotting, "which might be largely added to, that it constituted a "system of intimidation of a most severe and cruel "character. It was directed not only against those who "took land from which another had been evicted, but "against every one who, directly or indirectly, offered any "obstacle to the reign of the unwritten law of the League "in the place of the law of the land. It was directed "against those who paid their rent when others refused to "pay, a class whom Mr. Parnell, in his interview with Mr. "Ives, had designated as weak and cowardly, and against "whom public opinion must be brought to bear, though "it might manifest itself in unpleasant ways. It was "directed against agents of landlords, bailiffs, caretakers, "emergency men called in to prevent the land becoming "waste, against those who supplied goods to such men, "and generally against all who supplied food or even spoke "to boycotted persons; against those who refused to join "the League; against those who gave evidence in courts "of justice adverse to those accused of agrarian crime; "against those who supplied cars to the police; against "the children of boycotted persons, and the schools they "attended; and against a school because an assistant

"teacher was related to persons who had offended the "League. The funerals of obnoxious persons were put "under a similar ban, and even coffins or the wood to "make them were withheld from the dead.

"That this intimidation operated as was intended, was "proved by a body of evidence which established the "various devices to which those tenants resorted who were "willing to pay their rent, but who feared that by so doing "they would bring upon themselves the vengeance of the "League. Some sent their rent from a distance through "the hands of strangers. Some sent it under cover of "letters addressed to others than the agent. Some desired "that no receipt should be sent to them at their known "address, others that it should not be entered in their "pass books. Some paid their rent into banks to be thus "handed to the landlord or agent, others to shopkeepers in "the village to be in like manner dealt with. Some before "paying asked that writs might be issued against them "even at their own costs. Some that judgments might be "signed, and others that the sheriff might be put in. "Some went by stealth to the rent office. Some paid "secretly by night, and others walked long journeys to pay "at a distant town. One man who was a member of the "League sent word to his landlord to meet him in a wood "at night, where he wished to pay his rent, which he did, "the man saying, 'For God's sake don't tell.'"*

Boycotting illustrated.

Nothing paints the scheme of terrorism with half the force of examples. A few instances are here given—all taken from the Report.†

* Report, p. 53. † See Report, p. 47 and following.

Captain Boycott, after whom a new form of popular tyranny has been named, is a land agent who had passed his life on perfectly good terms with his neighbours. In 1879, as Lord Erne's agent, he refuses the tenants a reduction of rent. In September 1880, a few days after the delivery of a speech of Mr. Parnell from which a passage has been cited,* the boycotting begins. Captain Boycott's walls are thrown down, his cattle are driven off, and scattered; his servants and labourers leave him; no one will shoe his horses; he can procure provisions only by the intervention of a friend. On the roads people hoot him, boo him, spit across his feet. He goes with his family to a Dublin hotel. The landlord is threatened and will not allow him to remain. Captain Boycott leaves the country for nearly a year; during his absence a shot is fired through his steward's door. Captain Boycott returns to his home; he is publicly burnt in effigy; he is hooted and is mobbed. He is compelled to live under police protection.† Boycott, be it noted, is a soldier, and a man of nerve. Boycott's case.

Richard Mitchell is a farmer who lets out agricultural machines. Before 1881 he has laid by £4,000. In that year he lets out machines to boycotted persons. He is warned by the local branches of the League to desist; he is boycotted, and commits some further violation of League law. His punishment increases in severity. He cannot get food within twenty miles distance. Shopkeepers are warned not to deal with him; his cattle are killed; he can obtain no labourers in the neighbourhood to harvest his corn. At a town eighteen miles from home he purchases Mitchell's case.

* See p. 46, *ante*.

† Report, p. 47.

meat of a butcher. The butcher is Mr. Condon, M.P. for Tipperary, and vice-president of the National League. This honourable gentleman and Member of Parliament meets Mitchell and snatches at his meat, and adds, according to his victim's account, "If I had been in the shop it would have been the knife you would have got." Condon denies the words, but admits that if he had known Mitchell was boycotted he would not have supplied him with anything in his shop.

In November, 1887, Mitchell's son, a boy of eleven years old, is going home with bread, his father having been two days without food. He is attacked by three men, who strike him, and have "rendered him worthless for life."*

"The result of this action of the Land League against "Mitchell" [is] "that he was ruined and driven into the "bankruptcy court."†

Herbert's case.

Herbert is a publican, who, till 1881, has lived on good terms with his neighbours. He is warned by a secretary to a branch of the League not to serve papers in connection with rent. Being the county court bailiff he dares not refuse to serve writs, and will not give up his office. He is boycotted. He is hooted and hissed when he goes abroad; his business is ruined; he and his family are stoned; his father, an old man over seventy, is stoned and wounded; his child is pursued and terrified; Herbert himself is attacked, fired at, and wounded. What makes the case noteworthy is not its cruelty—for the cruelty of it does not exceed that of other cases—but that it was noticed from time to time in the *Kerry Sentinel*, published by Mr. Edward

* Report, pp. 47, 48. † Report, p. 48.

Harrington, M.P. The terms in which it was referred to were, to use the mildest expressions, not calculated to discourage the outrages of which Herbert was the victim.*

Jeremiah Hegarty's case† is a typical instance of boycotting. Hegarty is not a landowner; he never has had anything to do with eviction. In 1880 he was a well-to-do general merchant in county Cork, and a farmer. Up till 1880 he has lived on good terms with his neighbours, and has carried on a thriving trade. In that year he refuses on principle to join the Land League. These are the penalties which in consequence fall upon him. A notice is put up warning every one against dealing in any way with the Hegartys. "You are cautioned against having any dealings "with Hegarty, of Mill Street, or his family. Neither buy "nor sell them anything. Shun them as you would lepers. "If you disobey this order may the Lord have mercy on "you."‡ The order exactly follows Mr. Parnell's suggestion.§ The order is obeyed. Hegarty's shop is picketed by members of the League; his customers are molested; he appeals in vain by letter to Mr. Davitt. The latter's account of his proceedings is pre-eminently suspicious.‖ Mr. Davitt, by his own admission, never answers the letter sent him. The victim publishes it in the press. Thereupon Mr. Davitt writes about the case, as he says, to the president of the

Hegarty's case.

* Report, pp. 48, 49.

† Report, pp. 49—53. It should be studied in its details; it is here set forth only in outline.

‡ Report, p. 50.

§ See p. 46, *ante*.

‖ Compare Report, p. 51.

local League; but the letter is not produced, the president is not called before the Commission, and Mr. Davitt has forgotten even the name of the person to whom he writes. In any case Hegarty obtains no relief; he and his family cannot obtain the necessaries of life in Mill Street; threatening notices are circulated through the town; of his workmen some leave him, some remain and are raided at night in their homes, ill-used and intimidated by the firing of shots; his customers are in like manner visited and intimidated. One young girl, for dealing with him, has her hair cut off; his brother-in-law continues intimate with him, and in consequence the brother-in-law's house is fired during the night (while the family are in it), and the brother-in-law himself is boycotted in church, the people leaving the side where he sits. In 1881 Hegarty prosecutes and convicts the men who have picketed his door; thereupon the officers of the local Land League publish a denunciation of his conduct. Hegarty's life is menaced, he being shot at.* A relative of one of the witnesses who gives evidence on the prosecution instituted by Hegarty is assistant-schoolmaster in a national school. The school is boycotted because of this man's presence there. Mr. T. D. Sullivan, M.P., publishes an account of this boycotting in his paper, the *Nation*, with obvious approval. Hegarty's house is wrecked, and the persons who supply him with goods for his trade are threatened. This state of things is notorious. On the 15th of December, 1885, Dr. Tanner, M.P., who has at an earlier date said that "Mill Street has become historic," addresses a crowd at Mill Street as follows:—

* Report, pp. 49—53.

"He called Hegarty a low creeping reptile living in their "midst, who used all his influence in maligning the people "amongst whom he lived, and who was endeavouring to "climb to the magisterial bench, but who would yet be rele- "gated to the lowest depths of a felon's cell. He is an "infamous being who did not deserve the name of a being, "whose proper definition would be a thing, but since he "should call him a being, he would call him the lowest of "created beings, a creeping louse, and he called upon all "those present who wished him out of the place to lift up "their hands."*

After this speech the oppression to which Hegarty is exposed grows heavier; his trade is seriously injured; in 1887 his life is attempted, he is wounded.

The persecution of Hegarty was, in the words of the Commissioners, "the direct result of the action of the "League."

Let the reader note that the outrages particularised by the Commissioners are given simply "*as typical of the "manner in which boycotting was practised. Instances of "similar treatment of persons obnoxious to the Land League "are so numerous that,*" write the Commissioners, "*we can "only give examples.*"† Add to this that in the instances given the connection between outrages and the Land League is unmistakable, and that in some of the cases—those of Mitchell and of Hegarty—the monstrous violation both of law and of justice which is known as boycotting is shown to have been going on in 1887, a date at which, as Gladstonians try to believe, Mr. Gladstone's offer of Home Rule

* Report, pp. 52, 53. † Report, p. 47.

had won over Parnellites from deeds of violence to the practice of constitutional agitation, and had cemented a union of hearts between Great Britain and Ireland.

Whoever reads the language in which the policy of boycotting was proclaimed,* the conclusions arrived at by the Commission,† or the accounts given of the way in which the teaching of the League was practised, may know, if he will, what boycotting means, and that, as designed by its authors, it is in truth a "system of intimidation of the "most severe and cruel character."

It may be well to see what has been the impression made by boycotting on the minds of men whose words will be listened to with attention.

Burke's condemnation of boycotting.

This is a subject on which, by a fortunate chance, we can appeal to the judgment of Burke.

"Boycotting" is a new word, but the offence it denotes is old.

In 1779 the Scotch zealots who opposed all relaxation of the laws against Papists, anticipated the ingenuity of the Parnellites, and sought to banish Roman Catholics from Scotland by employing the means used by the respondents for the banishment of landowners, mainly Protestant, from Ireland. The Scotch zealots—as sincere fanatics, I doubt not, as their Irish successors—published a pamphlet setting forth their plans.

"In this wretched performance the Protestant inhabitants "are exhorted not to buy of or to sell to, Roman Catholics; "neither to borrow of them, nor to lend to them; to hold no "social communication with them whatever; nor to harbour

* See pp. 45—48, *ante*. † See pp. 49, 50, *ante*.

"nor conceal them, and to use their utmost endeavours to "banish them for ever from Scotland"!*

Here we have "boycotting" anticipated. The imitators, no doubt, have improved upon the original invention. Boycotting in 1779 resembles boycotting in 1879, or in 1890, only as artillery of a century ago resembles the artillery of to-day. Still, in its way, the Scotch scheme of tyranny was not wanting in ingenuity. Its authors may claim the credit due to originality; they anticipated the principles of oppression, they failed only in not perceiving the lengths to which these principles could, under favourable circumstances, be carried. Yet mild and inefficient as was boycotting in its original form, it provoked the severe reprobation of Burke. When told by the member of a particular association that a particular committee of Protestants were not responsible for the wretched pamphlet, he replies:—"I did indeed mean to express, in my place, "my entire disapprobation of a pamphlet which it is natural "that you should be very earnest to disown, as it contains "sentiments which no being in the human form could, on "reflection, be fond of owning."†

The contrast to the state of things which we have before us to-day is as noteworthy as the likeness. The boycotting which religious fanatics wished in 1779 to disown, is precisely that kind of boycotting which political fanatics, from 1879 to 1890, have not only not disowned, but have persistently recommended; the boycotting which, as Burke believed, "no being in the human form could be fond of

* "Burke's Correspondence," ii., p. 254.

† "Burke's Correspondence," ii., p. 256.

"owning," is just that boycotting, falling short of the use of actual physical violence, which from 1886 to 1890 so-called Liberal politicians—disciples, as they often boast, of Burke—have never dared to denounce, and have constantly tried to palliate. These things are suggestive. It is sufficient for my present purpose to insist that boycotting, under its very mildest form, is, in the judgment of Burke, a practice revolting to humanity.

Gladstone's condemnation of boycotting.

From Burke's condemnation of boycotting in 1779 we may turn to the condemnation of boycotting, in 1882, by Mr. Gladstone.

"The process called 'Boycotting' is according to the "honourable member" [Mr. Dillon, one of the respondents], "a legitimate and proper process. What is meant by "'Boycotting?' In the first place it is combined intimida- "tion. In the second place, it is combined intimidation "made use of for the purpose of destroying the private "liberty of choice by fear of ruin and starvation. In the "third place that being what 'Boycotting' is in itself, we "must look to this—that the creed of 'Boycotting,' like "every other creed, requires a sanction; and the sanction "of 'Boycotting'—that which stands in the rear of 'Boy- "cotting,' and by which alone 'Boycotting' can in the long "run be made thoroughly effective—is the murder which is "not denounced. . . . .

"What I have stated is in precise accordance with what "he [Mr. Dillon] has said. By 'Boycotting,' he means "nothing but merely ruining men who claim to exercise their "private judgment in a direction opposite to his. That is "all he means. What I say is this—that men who resort to

"illegality as a policy, a system, within certain limits, have "no right to expect the observance of those limits by others. "Others will not observe your very arbitrary limits; they do "not rest on the sanction of law or on the traditions of "society, but on the private judgment of the honourable "member; and the honourable member, and every one who "is not a child, ought to know that those who advisedly re- "commend that absurdity and sanction that illegality are "responsible for other illegalities." *

Thus spoke Mr. Gladstone in the House of Commons on the 24th May, 1882. His words are cited to show what is the natural impression made by boycotting upon the mind of any man endowed with common sense and common feeling. Mr. Gladstone's impression may have been taken up hastily. Let us suppose that this was so. The noticeable thing is that his hasty impression exactly coincides with the deliberate conclusions, drawn from a mass of evidence, by the judges of the Commission Court.

Subordinate crimes

Mr. Gladstone's words suggest a most important truth; boycotting necessitates other crimes. The nature of the terrorism maintained by the respondents cannot be fully understood unless we take into account the subordinate means by which boycotting and the whole of the conspiracy was kept in working order.

Dissemination of criminal publications.

First among these subordinate means stands the deliberate dissemination by the respondents of the *Irish World* and other newspapers, tending to incite to sedition and to the commission of other crime.†

* Hansard, Vol. 269, p. 1,547. (24th May, 1882.)

† See Report, p. 119.

Irish World.

The *Irish World* is, every one should recollect, Patrick Ford's newspaper; it is the paper which has been the advocate of the free use of dynamite; it is the paper which formed the Emergency Fund, the object of which was thus described by Patrick Ford himself.

"The object of this fund will be to aid the active forces "on the other side in carrying on the war against the enemy. "It is unnecessary to enter into details. I can only say in "a general way what I believe in myself. I believe in "making reprisals, 'an eye for an eye, and a tooth for a "tooth.' I believe that every informer ought to die the "death of a dog. I believe that all the material damage "possible ought to be inflicted on the enemy, and that the "war against the foeman ought to be persisted in without "quarter to the end. I believe that England ought to be "plagued with all the plagues of Egypt—that she ought to "be scourged by day and terrorised by night. I believe that "this species of warfare ought to be kept up until England, "hurt, as well as scared, falls paralysed upon her knees, and "begs Ireland to depart from her. This is my idea of "making war on England." *

This is the paper which published the "maniacal utterances of 'Transatlantic,'" to use the words of Sir Charles Russell,† which held up to honour the Phœnix Park murderers, and which published accounts of the festivities held in commemoration of either their victory or their death. ‡

* Report, p. 64, see pp. 59—65.

† See Sir C. Russell's Speech, p. 473.

‡ See Evidence, Vol. IX., pp. 515-521.—

The other papers include the *Irishman*,* taken over from Pigott without any change in the principles advocated by that former friend of the Land Leaguers, and, above all, *United Ireland*,* which was and is the official organ of the League. *The Irishman.*

Of *United Ireland* Mr. Parnell was, and I assume is, a main proprietor. Mr. William O'Brien is one of its proprietors, and was, and I conceive is, its editor. In *United Ireland* were deliberately published, week after week, the foulest slanders upon Lord Spencer and Sir George Trevelyan.† It is absolutely essential that every Englishman should, in order to understand the position and policy of Mr. Parnell and his followers, realise that both legally and morally Mr. Parnell and Mr. O'Brien are, unless unknown to the public their connection with the paper has ceased, as fully responsible for the sentiments or slanders which have appeared in *United Ireland*,‡ as are Mr. Walter and the editor of the *Times* for anything which may appear in its columns.§ It is necessary that this plain and undeniable fact should be *United Ireland.*

* Want of space makes it impossible to quote the passages set out at length in the Report (pp. 59—76), which can alone give an idea of the violence of the language used in the three papers specially referred to. Every reader should study for himself the pages in the Report which I have cited.

† Whoever doubts this should read "*United Ireland* on Spencer, Trevelyan, and Gladstone," published by the Irish Loyal and Patriotic Union. It consists of 81 pages, 74 whereof are made up wholly of extracts from *United Ireland*.

‡ See Report, pp. 55—76.

§ Mr. William O'Brien states that when he took the editorship of the paper, he let Mr. Parnell know that "if my opinions were too strong, if they were in any way harmful to the movement, that the slightest word from him would at any time get rid of me." (Evidence, Vol. viii, p. 109, No. 70,801.)

thrust upon the attention of every man and woman throughout England and Scotland. It has the most important bearing on the whole attitude, both political and moral, of the Parnellites, but for my immediate purpose it is sufficient to insist on facts apparent from every line in the eleven pages of the Report which deal with the Parnellite official organ. The deeds of illegality, of violence and outrage, to which, from its very nature, boycotting gives rise, were for six months —13th August, 1881, to the middle of February, 1882— collected together in *United Ireland* under titles such as "The Land War," "The Spirit of the Country," "The Campaign," or the "Incidents of the Campaign." In the columns thus headed were inserted, "short narratives of "various outrages which were thus treated as incidental to "the land agitation. . . . . They . . . . serve to illustrate "the connection between the Land League agitation and the "outrages which accompanied it."* These short narratives tell their own tale. No sensible man can honestly doubt that they were meant to encourage, and did encourage, boycotting, and such acts of illegality and violence as are a necessary part thereof. Let no one fancy that the tone of *United Ireland* altered after 1882. In 1883 the paper publishes letters expressing sympathy with or compassion for Curley, one of the Phœnix Park murderers.† In the same year O'Donnell, the murderer of Carey, is described as having slain a monster for whose destruction he would, in most civilised communities, have been esteemed a public benefactor; and one Finnerty, who seems to have been

* Report, p. 65. † Report, p. 69.

engaged in the blowing up of the Government buildings in London, is called "an Irishman, brave and daring almost "to a fault." Whoever wishes to estimate fairly the general tone of *United Ireland*, even in its more moderate moments, should read the leading article, "Can we hurt England?" set forth at length at p. 70 of the Report. That article alone would, if further proof were needed, be evidence enough that the official paper of the League stimulated men to acts of violence, and to deeds even more violent than what might appear legitimate intimidation in the eyes of the men who had invented the system of boycotting.

Protection of criminals.

Next to the dissemination of papers inciting to the commission of crime, the most effective means of promoting the success of boycotting would be the protection of the malefactors by whom agrarian outrages were carried out. No one, therefore, need be surprised to find that the respondents defended persons charged with agrarian crime, and supported their families.

"Proof has been given," write the Commissioners, "that "the Land League systematically and indiscriminately paid "for the defence of persons charged with agrarian crimes. "It cannot be said that the supplying means of defence to "prisoners is in the abstract unjustifiable, but we entertain "no doubt that the knowledge that such assistance would "in all cases be afforded must have the effect of encouraging "persons disposed to commit outrage, and the same obser- "vations apply to the support of their families. That the "practice of the Land League with regard to the defence "of prisoners was felt to be dangerous is shown by the "evidence of Mr. Parnell, who states that he disapproved

"of it, and endeavoured to stop it, but his remonstrance "appears to have been without effect."*

The respondents further made payments to compensate persons who had been injured in the commission of crime.† It is also open to the gravest doubt whether the respondents did not, in the promotion of their objects, go a good deal beyond what has been actually proved against them; whether they did not subscribe testimonials to criminals, associate with notorious criminals, and make payments to procure the escape of criminals from justice.‡ But on the possibility of these additional offences, which are not proven, we need not insist. The facts proved are quite sufficient to show that a system of intimidation means, of necessity, the patronage of crime.

The consequences.

3. *The Consequences.*—The immediate and direct result of this conspiracy, the result contemplated by the respondents, was to establish, wherever the League held sway, a system of intimidation of a most severe and cruel character.§

That this reign of terror, founded as it was on an appeal at once to cupidity and fear, must have demoralised a whole population, is manifest. That this result of their action was in itself desired by the respondents no one imagines. To conceive that it was not anticipated by them as an evil necessarily attendant on the attainment of what they thought desirable ends would be to impute to them a

* Report, p. 92.
† Report, p. 95.
‡ Finding VII., Report, p. 120.
§ See p. 49 *ante*.

kind of stupidity which no part of their conduct has ever betrayed.

This system, however, led to further evils, which, whether expected or not, were not desired by the conspirators. A system of cruel intimidation, kept up always by the dread and sometimes by the reality of outrage, would, even if carried into execution directly by the respondents themselves, have involved the risk or necessity of gross breaches of the law. But as practised by a passionate and most suffering population, it inevitably led to the commission of atrocious crime. The enforcement of the unwritten law of the League involved the punishment of every offender. It meant damage to his property, injury to his person, in extreme cases loss of his life. "With fatal and painful pre-"cision," it has been said, "the steps of crime dogged the "steps of the Land League." Whoever doubts the truth of this dictum should consult the pages of the Report, which tell of some of the penalties inflicted between 1880 and 1884 on offenders who by payment of rent due, by the occupation of land from which a tenant had been evicted, by giving help to persons boycotted, and the like, had broken the law of the League.

A man is attacked by night, his ears are bored, he is knocked down and kicked.* At another shots are fired, his house is broken into, a part of his ear is cut off, he is shot at.† Another's sheep and cattle are mutilated and killed.‡ Others are insulted, shot at, wounded, and

* Maloney's Case, Report, p. 77.

† Patrick Murphy's Case, *ib.*, p. 77.

‡ Joyce's Case, *ib.*, p. 77.

mutilated.* All these, be it specially noted, are mere samples of outrage. But insult or wounding are not the final or worst results of popular oppression.

Murder flows naturally from intimidation. Take the cases which are specially emphasised by the Report. Peter Doherty takes a farm which had been surrendered by a man named Kaniff. After he enters, 12th March, 1881, two of his cattle are poisoned, he is boycotted, and on the 2nd of November he is shot dead. James Connor, in May, 1881, takes a piece of bog-land which a tenant has vacated; he is boycotted, he can get no food except through the police, he is hooted at as a land-grabber. On the 11th of May, when driving his wife to her father's funeral, he is shot dead; his widow is boycotted.† Cahill, a caretaker of land from which a tenant has been evicted, and from which other caretakers had been expelled by threats and violence, is shot at on the 14th of June, and on the 22nd of the month is shot dead.‡ Houligan, who has taken a farm from which a tenant has been evicted, is attacked by ruffians appointed by ruffians to assault him, is struck, and dies of the blow.§ Peter Dempsey's murder is the most typical, as it is certainly one of the most horrible, of the outrages recorded by the Commission.‖ In 1880, one Murty Hynes takes possession of a holding from which a

* Sullivan's Case, Report, p. 77; Ganon's Case, *ib.*, p. 78; Donoghue's Case, *ib.*, p. 80; Cronin's Case, *ib.*; White's Case, *ib.*

† Report, p. 78.

‡ Cahill's Case, Report, pp. 79, 80.

§ Houligan's Case, p. 80.

‖ Report, pp. 78, 79.

tenant, Birmingham, had been evicted. The secretary of the Land League in Dublin, and Mr. M. Harris, M.P., one of the respondents and a leading Land Leaguer, attend a meeting upon the farm, where from 4,000 to 5,000 people assemble. The crowd are adjured to abstain from assassination, but to fight fearlessly like men. The landlords are compared by Mr. M. Harris to tigers, and the tenants are implored to drive from their midst any bad landlord, his bailiff, or his agent, as the people of Bengal drive away the tiger man-eater. Murty Hynes in consequence surrenders his farm. Peter Dempsey takes it, stocks it, and lays out money upon it. On the 17th of March, 1881, Mr. Dillon, M.P., delivers an exciting speech at Loughrea, six miles from Dempsey's farm. On 29th of May Peter Dempsey starts for mass with his two young children. He is murdered on the road at about 11.30 in the morning. Many persons are on their way to church, but no evidence can be obtained as to the murderers. No one attends Dempsey's funeral. On the night of his burial people sing songs as they pass his widow's house, and bonfires are lighted on the hill-tops. Mrs. Dempsey's neighbours refuse to work for her; she needs the protection of the police.*

These are the results, and the natural results, of a criminal conspiracy carried out by that scheme of boycotting which its palliators describe with grim, though presumably unconscious, humour, as "exclusive dealing," as "letting a man severely alone," as "boycotting without "intimidation," or as the "focussing of the opinion of a "given community in condemnation of the action of any of

* Report, p. 79.

"its members." These results, at any rate as regards murder, were not desired by the respondents. Some of them, and in particular Mr. Davitt, did express bonâ-fide disapproval of crime and outrage; but the respondents *did not denounce the system of intimidation which led to crime and outrage, but persisted in that system with the knowledge of its effect.*

Effect of the findings against the respondents.

My readers have now before them a brief account, which because of its shortness is far less impressive than the lengthier story told by the Report, of the conspiracy entered into by Mr. Parnell and the leading members of the League.

It is now therefore possible to summarise the result of the verdict of guilty pronounced upon the respondents. We can sum up with decision the broad result of the charges which the Commissioners hold distinctly proved against the Parnellites.

The League is, be it remembered, a society which, under its various names, has passed as a lawful association formed for legal objects. If we judged the character and action of its members solely by the documents which embody the aims and the rules of the League, we should find no reason to think that the leaders of the League were other than loyal citizens invited to promote a movement as lawful and constitutional as the agitation for parliamentary reform, or for the repeal of the corn laws.

The investigations of the Commissioners have now proved, what many Englishmen have long suspected, that a

movement which to outward appearance was strictly legal, has been based upon illegality and crime.

The forty-four respondents, many of whom have seats in the Imperial Parliament, have, as members of the League, been guilty of offences which may be thus summarised—

1. Treason.

1. *A small body of them have come very near to the guilt, if they have not actually been guilty, of treason or sedition.* *

2. Alliance with dynamiters.

2. *The respondents have allied themselves with, and have received money and assistance from, the bitterest and most unscrupulous foes of the United Kingdom.* †

For the sake of the co-operation of the Physical Force Party in America, and above all, of Patrick Ford and the Clan-na-Gael, they have abstained from repudiating the action of men who not only aimed at making war upon England, but who avowedly intended to carry on their warfare by means of dynamite and assassination, and who sink as much below rebels prepared to take up arms against oppression, as the heroes of the Gunpowder Plot sunk below Catholic noblemen prepared by force of arms to overthrow Henry or Elizabeth. The respondents further, many of whom were or had been Fenians, were, while snatching at every advantage obtainable from constitutional agitation, ready to tolerate or countenance the bolder and more manly policy of their Fenian allies. When Fenians seized arms on board a ship lying near Cork, the League, with a decision strangely contrasting with the hesitation sometimes shown in denouncing crime, deliberately

* See Finding I., Report, p. 119, and p. 37 *ante*.

† See Finding IX., Report, p. 120.

condemned the passing of censure upon this act of armed violence.

The language of the Report is noteworthy—

"We consider that this incident of the *Juno* raid "throws strong light on the true relations between the "leaders of the Land League and the party of physical force, "or Fenians.

"We are not dealing here with the case anticipated by "Mr. Butt, of responsibility arising from the conduct of "obscure members of a local branch, but with the acts of "the executive council of the central body, presided over by "one of the foremost men of the Land League organisation. "It is apparent that the object was not to win over the "Fenians from their illegal and insurrectionary course to a "constitutional policy, but to retain their assistance by "making it clear that the Land League leaders did not "condemn their flagrantly illegal acts, and by the avowal "made by Mr. Dillon that he sympathised with them."*

The respondents for the most part were not guilty of treason, but they must have been tolerant of treasonable practices.

3. Criminal conspiracy.

3. *The respondents are convicted conspirators.*†

They have entered into a criminal conspiracy which aims at a monstrous and unlawful end to be attained by an unlawful and cruel system of coercion and intimidation.

This scheme of terrorism has in its turn involved the commission of outrages and of crime, yet it has been fostered and encouraged by the respondents; and when

* Report, p. 30.

† Findings II., IV., V., VI., VII., VIII.

they knew that their system led to crime and outrage, and even to murder (which the respondents themselves undoubtedly deplored) they persevered in their system with full knowledge of its effect.

To maintain after this that Mr. Parnell and his associates have not been guilty of crime is to trifle with language. A "criminal" conspiracy is itself a crime; the particular conspiracy devised by the respondents is a particularly odious and heinous crime. It is exactly the kind of crime which, in the language of Burke, "any being in human "form would be glad to disown."

Political importance of the conspiracy.

Englishmen should deal with the offences of the respondents not as moralists but as statesmen. Assume, as I do assume, that to many at any rate among the respondents the crimes of which they have been guilty are palliated or justified by their supposed tendency to secure the happiness or independence of Ireland—this assumption, which I believe to be true, rather increases than diminishes the danger of their offences against the commonwealth. For it shows that men who, many of them, have seats in our legislature, and all of whom exert, or may exert, great influence on the policy of England, hold that while enjoying the rights of citizens they are morally justified in practising some of the worst arts of conspirators.

Personal character of the respondents damaged.

The Report, it is constantly alleged, while finding the respondents technically guilty of crime, acquits them of all charges affecting personal character or honour.

This assertion almost requires for its plausibility that findings of not proven should be erroneously treated as

equivalent to verdicts of acquittal. But even so, the claim on behalf of the respondents cannot, at any rate as regards every one of them, be made out without great difficulty.

The charge of doing nothing to prevent crime, which we must infer lies in the opinion of the Commissioners against some of the respondents—or the charge positively found true against all of them that they persisted in a system of intimidation leading to crime and outrage, with knowledge of its effects—or the charge of interested abstention from denouncing the action of the Physical Force Party in America, including the Clan-na-Gael, to most readers would seem to be matters affecting personal character. I am sure that if such charges could be made out against any of the counsel who defended the respondents—for example Sir Charles Russell, Mr. Reid, or Mr. Asquith—each of them would feel that a slur had been cast upon his personal reputation.

Let this matter, however, be waived; let us take the term "personal character" in its very narrowest sense. Even so every reader of the Report must feel that it casts a dark shade on the reputation of some at least among the respondents.

Mr. Parnell

Mr. Parnell's character for veracity is seriously compromised.

On at least four occasions the three judges have treated his word with but slight respect.

They disbelieve his explanation of the statement made by him to Mr. Ives about the revolutionary character of the

Land League movement.* They decline to accept his qualified repudiation of the celebrated sentiment that—"None of us, whether we are in America or Ireland, or "wherever we may be, will be satisfied until we have de- "stroyed the last link which keeps Ireland bound to Eng- "land."†.

They reject the forced, not to say childish, interpretation put by Mr. Parnell on the gift of "five dollars for bread, and twenty for lead."‡ When they find that in 1885 Mr. Parnell charged Lord Spencer with conspiring with informers "for the purpose to obtain victims to what they called law "and justice by any and every means, whether they were "innocent or not,"§ the Commissioners add the significant comment, "We cannot suppose that Mr. Parnell really "believed in the justice of the accusation which he has "here made against Lord Spencer."‖ When Major Le Caron, the professional spy and informer, contradicts Mr. Parnell, they hold that the truth lies not with the honourable member of Parliament but with the spy.¶ To the contradictions which have been made prominent by the zeal of an awkward apologist, we make but a passing allusion. Whoever fancies that Mr. Parnell may sometimes be capable of deliberate deception only thinks of Mr. Parnell what we now know Mr. Parnell thinks of himself.* *

Mr. Wm. O'Brien stands high among the Parnellites; he has in one sense suffered little from the inquiry before the Commission, for it has made little known about him

Mr. W. O'Brien.

* Report, pp. 18, 19. † Report, p. 21. ‡ Report, p. 23.
§ Report, p. 93. ‖ *Ib.* ¶ See Report, pp. 103—105.
* Evidence, Vol. III, p. 245, No. 61,054—61,060.

which was not known to the world already. Nobody will forget his readiness to black Lord Spencer's boots, or the cause of it. Of him we need say nothing more than that he has been, and I presume still is, editor of *United Ireland*.

Mr. Davitt. Mr. Davitt exercises, it is said, as much authority in Ireland as Mr. Parnell; his enthusiasm, his sufferings, his fortitude and his manliness, command the respect of opponents. Fanaticism, however, whether religious or political, has been constantly allied with strange doctrines as to the obligations of veracity. Sir Alexander Cockburn was impressed with a suspicion that Mr. Davitt had been a party to a scheme of assassination.* The explanations tendered by Mr. Davitt to the Commissioners † will not convince impartial observers that the Chief Justice of England fell into error. His statements with regard to Hegarty's case are unsatisfactory and suspicious.‡ His ethical creed is peculiar. Ford, the advocate of crime and of the use of dynamite, is his model of a Christian and a philanthropist.§ He admires a mother who urges her innocent son rather to go to the gallows than incur the name of an informer by denouncing an agrarian assassin, and though his evidence on this point is obscure, apparently himself preferred that the Government should execute an innocent man, to providing the Government with information as to the true criminal. ‖

Of the honesty with which Mr. Davitt holds his creed I entertain no doubt whatever. He is a man who from

* See speech of Mr. Davitt, Evidence, Vol. X., p. 442.
† Evidence, Vol. IX., p. 406. ‡ Report, p. 51. § Report, p. 65.
‖ See Evidence, Vol. IX., pp. 487—490.

his life and his evidence strikes me as likely to be in the affairs of private life pre-eminently trustworthy and honourable; but the perversion of his moral sentiments suggests that he is one of those zealots who cannot be trusted when his mind is biassed by political fanaticism.

To all this it must be added that if the conclusions arrived at by the Commissioners are sound, many of the contentions put forward by the respondents must be absolutely unfounded. That the Report, in short, and the evidence on which it is based, must shake any sensible man's trust in the word not only of Mr. Parnell but of others among the respondents is certain.

Cause of respondents' untrustworthiness.

What may be the moral culpability of such untrustworthiness is happily a question with which we need not concern ourselves. Englishmen, we should always remember, cannot be impartial judges of the morality of methods employed by revolutionists in a contest with English power. Happily, too, the circumstances of the case suggest a plea which (though for obvious reasons neither the Parnellites, nor still less their English allies, can put it forward) may avail to take away from untrustworthiness, and even from mendacity, much if not all the taint of personal dishonour. They are revolutionists carrying on what to their minds is a civil war. And to men, otherwise honourable, warfare justifies frauds which upright men would in general think disgraceful. I should myself accept Mr. Davitt's word, whenever his personal interests were alone concerned, without hesitation. But when he gives evidence touching the transactions of the Land League, I receive his statements with no more

confidence than in the sixteenth or seventeenth century a Protestant would have placed in the word of a Jesuit with regard to whatever touched the interest of the Church. Mr. Davitt, further, and several of his companions have already given pledges to secret societies. Such ties perplex the conscience and distort the conduct of the most scrupulous among mankind. The plea that many of the Parnellites regulate their conduct by the rules which govern soldiers engaged in a campaign against an enemy, is one which can never be openly put forward. The defence which is meant to vindicate their character as men of honour destroys their claim to the moral rights of law-respecting citizens. It averts moral censure only by imputing disloyalty or treason.

Political effect of Commissioners' inquiry.

A consideration, then, of the offences and crimes whereof the respondents have been found guilty brings us round, from whichever side we approach the matter, to one and the same conclusion.

The moral character of the respondents is a question beyond the province of a court of law. The Commissioners were not empowered to hold a court of casuistry; they pronounced judgment as judges. The importance to politicians of the condemnation passed by the Commissioners on the leaders of the League is not that it proves revolution generally or the particular revolution attempted by Mr. Parnell to be immoral, but that it proves Mr. Parnell and his allies to be revolutionists. The Land League, we now know, is not an association of the same stamp as the Anti-Corn Law League. Mr. Parnell and Mr. Davitt may be patriots, but they are not constitutional

agitators like Bright and Cobden; they are, further, not open rebels, like Smith O'Brien or the Fenians; they are in essence a rebel party, but they are a rebel party who have thought fit to wear the mask of constitutionalists. This, I maintain, is an important political fact which, for good or bad, no statesman dare overlook. The importance of this conclusion is not weakened for a moment by urging that rebels may be good men; that Mazzini, though a revolutionist, had many of the characteristics of a prophet and of a saint; that Garibaldi, who would have perished as a criminal if he had been defeated in Sicily, has left behind him a name reverenced by all men who admire patriotism. Neither Mazzini nor Garibaldi claimed to be anything else than the leaders of rebellion. If they had sat in a parliament at Vienna and thence organised revolution in Italy, Austrian statesmen would have been morally, no less than legally, justified in declaring that revolutionists were not entitled to the rights of loyal citizens. In any case, an Austrian statesman would have been smitten with judicial blindness had he, under the supposed circumstances, shut his eyes to the true character of the Italian movement. The permanent political importance of the investigation before the Commission Court is the demonstration it affords that Parnellism means revolution.

CHAPTER III.

THE GLADSTONIAN APOLOGY.

The crimes of the respondents.

THE respondents did enter into a criminal conspiracy, by a system of coercion and intimidation, to promote an agrarian agitation against the payment of agricultural rents for the purpose of impoverishing and expelling from the country the Irish landlords, who were styled the English garrison.

The respondents did disseminate the "Irish World" (the organ of the American dynamiters) and other newspapers (among them their own official organ, "United Ireland") tending to incite to the commission of sedition and other crime.

The respondents did incite to intimidation, and the consequence of that intimidation was that crime and outrage were committed by the persons incited.

The respondents did not denounce the system of intimidation which led to crime and outrage, but persisted in it with a knowledge of its effect.

The respondents did invite the co-operation of, and accept subscription of money from, known advocates of crime and the use of dynamite, and amongst other such from Patrick Ford; the respondents obtained the assistance of the Physical Force Party in America, including the Clan-na-Gael, and for the sake of that assistance abstained from

*repudiating or condemning the action of that party—i.e., the respondents allied themselves with foreign dynamiters and assassins, the foes of England.**

The respondents who have committed these crimes are Mr. Parnell, Mr. Davitt, and forty-two leading Parnellites. These offences are the deeds, not of individuals acting apart, but of an organised society which avowedly aims at effecting immense political and social innovations, and at loosening the union between England and Ireland.

An apology needed.

These are facts ascertained by solemn judicial inquiry. These are the matters which Home Rulers have to face.

The aim of the Home Rule apology.

Of these facts Home Rulers naturally seek to attenuate the significance and to deny the political importance.

Gladstonians maintain that there is nothing in the Report, in so far as it is adverse to the respondents, which ought to affect England's attitude towards Irish demands for Home Rule, or which ought to influence the relations of British statesmen with the Parnellites. The aim of Gladstonian apology is to blunt, or nullify, the effect of the adverse verdicts delivered by the three judges.

For this purpose our apologists employ much fertility of rhetoric and considerable ingenuity of argument. Of their contentions some, from a statesman's point of view, are weighty, and my purpose is in this chapter to state as fairly as I can the nature of the grave apologetic arguments which address themselves to the substance of the matter and to consider what may be their intrinsic value. Much, however,

* Report, pp. 119, 120, and 54; and see, for the actual words of the Findings, Appendix, p. 189, *post*.

of the reasoning, and all the rhetoric directed against the Report by the Opposition, whether in Parliament or elsewhere, is, either as regards my general line of argument, or in itself, irrelevant, and is mentioned therefore simply in order that it may be dismissed from consideration.

Irrelevant arguments. i. Attack on judges, &c.

Assertions or invectives which impugn the impartiality of the judges, or the substantial veracity of their Report, need not occupy our attention, for the groundwork of my whole reasoning—the foundation which ninety-nine out of every hundred inhabitants of the United Kingdom will, sooner or later, admit to be sound—is, that though the Report may, or must, contain some errors, still it remains by far the most trustworthy account of the matters with which it deals accessible to the public; that it is in short the one piece of solid ground throughout the whole domain of Irish controversy, and that Englishmen and Scotchmen who have for the most part no personal knowledge of Ireland, can feel the conviction that here at any rate they have obtained a foundation of substantial and ascertained truth on which to rest their views of Irish policy. For advocates who, on either side, have taken part in the conduct of the great trial to demand that their arguments should be weighed against the conclusions of the judges, is (in the strictest sense of the word) an impertinence. It would be monstrous should the Attorney-General or Sir Henry James ask us to hold Mr. Parnell guilty on issues upon which he has obtained an acquittal; should they, for example, suggest that he wrote the "facsimile letter." These eminent lawyers have too much decency and sense to put forward

any claim of the kind. But if we should refuse to listen to Sir Richard Webster were he to impugn a verdict of acquittal, we cannot in fairness be asked to heed Sir Charles Russell or Mr. Asquith when they impugn a verdict of condemnation. These distinguished barristers will pardon any man of common sense for passing lightly over any censures they may pass on the decisions of the Commission. Their wide experience tells them that counsel are never satisfied with an adverse judgment. They will also, it may be suspected, admit that as against the verdict of the Commission Court, small respect is due to the assertions or denials of their clients. It is not in human nature that men convicted of crime should admire the equity or sagacity of their judges; still less that they should appraise fairly the weight due to an adverse witness. Neither Mr. Sexton nor Mr. Davitt can estimate justly, to take one example only, what is the credit which should be given to the evidence of Major Le Caron. Their opinion on this matter may, in spite of their natural prejudices, appear to be worth just a trifle more than the opinion of that eminent Member of Parliament who pronounced on the credibility of a witness whose face he had never seen, and whose evidence he had only partially read. But to speak plainly, the opinion either of Mr. Davitt, or Mr. Fowler, is on this and the like subjects, worth nothing at all. When prisoners who have been put on trial, and the counsel by whom they have been defended, are deemed a proper court of appeal from the decision of the judges by whom the prisoners have been found guilty, then, and not till then, it will be right to assume that the lawyers whose speeches, or the incriminated members whose protests, wasted the time of Parliament,

are competent to overrule the conclusions arrived at by Sir James Hannen, Sir John Day, and Sir Archibald Smith. Meanwhile, we may turn a deaf ear to all arguments which are in reality attacks on the fairness or sagacity of the Commissioners.

ii. Attacks on the *Times*, &c.

If censures directed against the three judges have no bearing on an argument which assumes as its foundation the substantial truth of the Report, many other matters which have occupied the attention and elicited the rhetoric of parliamentary politicians are, in themselves, absolutely irrelevant to the grave question with which alone the public is really concerned, namely, the political effect of the Report. Invectives against the *Times* for publishing "Parnellism and Crime," attacks on the Attorney-General and his colleagues for his conduct of the case on behalf of the *Times*, censures on the Government for allowing the collection of evidence, do not deserve a moment's attention. Suppose, for the sake of argument (though the hypothesis is almost too monstrous to be made, even argumentatively), that on all these, and on kindred topics, the extremest contentions of the opposition could be fairly made out; grant that the *Times* expended thousands of pounds and risked a reputation created by a century of honourable conduct in the management of a great business simply to gratify a mean and almost infernal spite; that the Attorney-General, Sir Henry James, and their colleagues, were, under the baneful influence of party spirit, transformed from the most honourable of English barristers into the meanest and most unscrupulous of pettifoggers; that the Government of the country acted from none but the basest of motives, and

committed a gross wrong—how I know not—in facilitating inquiry into matters whereof the ascertainment gravely concerned the welfare and the very safety of the State; let these, and every other concession of the same kind be made —still Home Rulers will not advance a step further towards showing what they need to show, and what it is quite conceivable it might, under some circumstances, be possible by fair arguments to show—namely, that the offences brought home to the respondents by the advocates of the *Times* do not deserve the attention of statesmen. For the conduct, either of an individual or of a nation, must, as far as possible, be grounded upon known facts. When once a fact is ascertained its importance is neither lessened nor increased by the methods, whether legitimate or illegitimate, of its ascertainment. A wise man or a generous man will rarely pay attention to an anonymous letter; he will still more rarely avail himself of the services of a detective. But if a letter from an unnamed correspondent, or the information of a paid spy, establishes past a doubt that a merchant's head clerk has for years robbed the till, a man of business will never dream that he ought to shut his eyes to his servant's fraud because he has come to know it through the spite of an anonymous informant, or through the cunning of a detective.

It is futile, again, to listen to arguments which may be summed up in shrieks of "Forgery! forgery! Pigott! "Pigott!" If Mr. Parnell were proved innocent of writing a hundred forged letters this would not detract in the slightest degree from the heinousness of his denouncing law-abiding citizens who might be at any moment in peril

of their lives, and advising an excited peasantry to treat the lawful purchasers of land as lepers. The acutest dialectician would be puzzled to frame a chain of argument by which, from the premises that Mr. Parnell did not write the "fac-simile" letter, and that the *Times* asserted that Mr. Parnell did write it, should be deduced the conclusions that Mr. Parnell has not been a conspirator; or that a criminal conspiracy for the ruin of Irish landlords is not a crime; or that a system of intimidation leading to crime and outrage is a legitimate means of constitutional agitation.

iii. Conservative condonation of Parnellism.

Nor, again, need any plain man trouble himself with arguments or charges based on the alleged "compact," or "condonation" of 1885. The factitious indignation of the Opposition, and the awkward excuses of a few Conservatives, deceive no one. We all know how the matter stands. In 1885 the Tories did not turn Home Rulers, but Conservative co-operation with a faction whom every Englishman had a right to distrust compromised the reputation of the Conservative party, and, for a time, lowered the character of English public life. The follies or intrigues of 1885, except by way of warning, concern not the present; they have rightly passed into oblivion, not through lapse of time, but through change of circumstances. The memory of them ought assuredly not to be revived by politicians who, being hand-and-glove with the Parnellites, now that Mr. Parnell and his friends are convicted of conspiracy, think fit to denounce rivals who, when the character of Parnellism was incompletely unmasked, yielded—calamitously for themselves and their country—to the temptation of temporary co-operation with the Parnellites. Speakers

insult the intelligence of the English people who fancy that the public will allow their attention to be distracted from the proved offences of the Parnellites by declamation about a feigned condonation, which no human being ever gave, or could give, on behalf of the English people.

Among arguments which are really irrelevant must be counted one which has been used by men of such high reputation that a few words must be said as to its obvious irrelevancy.*

iv. Conspiracies sometimes trifles.

Conspiracy, we are told, may be a mere trifle; there is nothing very terrible in the term "criminal conspiracy," for it merely means a conspiracy for which a man may be indicted. An ex-Lord Chancellor gaily admits that he himself has been a conspirator. We are all of us in fact daily conspiring; just as at every moment of our lives we imbibe microbes, so, according to our teachers, it would seem there are few men who have not at some time or other been criminal conspirators. The dogma of the essential insignificance of criminal conspiracy is, or may be, illustrated by various examples. An agreement to commit a trespass is a conspiracy; so, it is alleged, is an agreement between a husband and wife to import into the country the copyright books of the Tauchnitz edition. If two barristers hint to a solicitor that he had better not employ a counsel who has infringed the rules of professional etiquette or good taste, they conspire; if two Churchwomen say to each other that they will not deal with a Dissenting grocer, and agree to withdraw their custom from him, they are conspirators.

* See speech of Lord Herschell, Hansard, Vol. 342, pp. 1,386, 1,387; and the powerful speech of J. Bryce, M.P., *ibid.*, pp. 55, 56.

The doctrine thus illustrated by examples, of which the legal accuracy is in some cases as dubious as the humour, points to, or suggests, the conclusion that the criminal conspiracy entered into by the Parnellites—a conspiracy to ruin one class of Irishmen by means of cruel intimidation resulting in crime and outrage—is, or may be, too slight a matter to affect the opinions or govern the conduct of statesmen.

The reply to all this loose talk, based on loose thinking, is obvious. Grant, since eminent lawyers say it, that trifles for which no human being ever has been or will be indicted, are, in the eye of the law, criminal conspiracies. The argument backed up by this concession then stands thus: some trifles are conspiracies, therefore a conspiracy which has produced dishonesty, oppression, and misery throughout Ireland is a trifle. The reasoning which diminishes the importance of a conspiracy may easily be made to minimise other offences. Few are the persons who have not in the course of their lives committed assaults. If *A* lifts up his little finger and threatens to flip another on the face, this is an assault. Hence we may infer that a husband who beats his wife within an inch of her life is guilty of but a trifling offence. Any one who wrongfully, *i.e.*, without legal authority, detains another for five minutes in a room against his will is guilty of unlawful imprisonment, so too is the keeper of a lunatic asylum who unlawfully keeps a sane man for years in confinement. Are we to say that the triflingness of the one offence takes away from the heinousness of the other? Murder itself admits of infinite degrees. The philanthropists who prosecuted Governor Eyre believed him to be legally guilty of

murder; they held (and I conceive rightly) that he had put Gordon to death without legal authority. But no man ever supposed that Eyre had committed the same moral offence as the Crewe murderers who brained their father. Still less did any sane man ever hint that the guilt of parricide, which is only a kind of murder, could be lightened by showing that under exceptional circumstances a murderer need not be a villain. Most persons, one would imagine, pass through life without being entangled in the meshes of that net of criminal conspiracy which our authorities tell us catches the most innocent of law-abiding citizens. But it is certain that the most respectable of men may any day find himself technically guilty of slander or libel. It is, or may be, slander to say to a friend in a moment of irritation that you doubt the professional skill of your doctor or your solicitor. It may be a libel to publish that a tradesman's advertisement is vulgar or tasteless, to say of any one that he is a dishonest man,* or to call an attorney ironically an honest lawyer.† It has been held libellous to describe an editor who has been convicted and punished for felony as a "felon "editor."‡ It were easy to enumerate scores of libels which might be published by men as careful in their language as (say) an ex-Lord Chancellor when addressing the House of Lords on a topic of supreme national importance. Can we infer from all this that a libel may not be a grave moral offence, or, to take a concrete instance, that the *Times* was

* *Austin v. Culpepper*, 2 Show. 314.

† *Boydell v. Jones*, 4 M. and W. 446. See generally Odgers, Libel and Slander, pp. 22—26.

‡ *Leyman v. Latimer*, 3 Ex. D. 15 (C. A.) 352.

not greatly to be blamed, and did not justly pay heavy damages, for publishing the fac-simile letter? Till this inference becomes legitimate, we may dismiss from consideration the argument that because some trifles are conspiracies, all conspiracies are trifles, and that therefore the respondents, though criminal conspirators, have committed no real crime.

So much of the lighter arguments, may we not say raillery? of apologists. They cannot be taken seriously; they have been propounded, I suspect, by their inventors rather to diversify the dreariness of debate than to shake the convictions of opponents. Let us pass to the solid and serious reasons which may be, or have been, put forward for the purpose of showing that the policy or behaviour of English statesmen should not be influenced by the adverse verdicts of the judges. This position is not in itself necessarily untenable. To establish the criminality, or even the immorality, in the eyes at any rate of Englishmen, of the conduct pursued by the leaders of the League, does not of necessity demonstrate that their conduct, however objectionable, ought to tell upon English statesmanship. What may be the proper treatment of Parnellism is a matter to be decided neither by legal maxims, nor wholly, at least, by the requirements of private ethics, but by broad considerations of public interest and general expediency. It is possible, though highly improbable, that Englishmen ought as statesmen to overlook or condone acts condemned both by the law and by the conscience of England.

The conclusion at any rate to which the apologies of the Opposition point is that, either on grounds of justice or of

expediency, we ought now to treat the Parnellites as constitutional agitators who seek to attain a legitimate end—the Parliamentary independence of Ireland—by the legitimate means of fair persuasion and temperate reasoning addressed to the electors of the United Kingdom; that in short it is the dictate of prudence, if not of fairness, to consider Parnell, O'Brien, and Davitt, as occupying to-day the position which in past times was occupied by Brougham and Russell, or by Bright and Cobden, and that the best way of treating the Report, which for politicians has no significance, is to bury and forget it.

The serious arguments which have been, or may be, adduced in support of this contention may be roughly summed up under five heads. Relevant argument.

I. The argument from the history of agrarian crime in Ireland.

II. The argument from the universal prevalence of boycotting.

III. The argument from the nature of political crime.

IV. The argument from the character of political movements.

V. The argument from the "union of hearts."

I. *Argument from the history of agrarian crime in Ireland.** Argument

Irish discontent and agrarian crime has, it is contended, its ultimate source in bad government, and in a system of land tenure opposed alike to the sentiment and the interest

* See especially, Speech for the Defence by Sir Charles Russell, caps. 3 to 7, pp. 40—135, and compare Report, pp. 76—88.

of the Irish people, and springs from moral no less than from physical causes, which can be discovered not by judicial investigation but only by impartial historical research.

This contention has received at the hands of Sir Charles Russell and others infinite illustration; it may be supported by references to the penal laws, to the evils flowing from Protestant ascendency, and to the commercial restrictions which in past centuries, after crushing the industrial prosperity in Ireland, stimulated that land-hunger which is the curse of the Irish tenantry. Agrarian misery, agrarian outrages, combinations of tenants against landlords, the enforcement by outrage and by murder of popular custom opposed to enacted law are, it is added, no new phenomena. That this is so may be shown by an appeal to the most notorious facts, to the houghing of 1718, to the Levellers and Whiteboys of 1761,* to the Steelboys of 1771, to the Oakboys, to the disturbance of 1814, to the tithe war of 1830, to the outrages of 1833, to the Ribbonism of 1852, to the lawlessness of Meath in 1871, to the scientific observations, if so we may call them, of Sir Cornewall Lewis, to the reports of Commission after Commission. That the Irish peasantry have, for generation after generation, carried on an hereditary though intermittent warfare with the law of the land, that indignation at evictions, and detestations of landgrabbers, are sentiments which, so far from being created by the Land League, have smouldered on amongst the country folk of Ireland from age to age, and have constantly in

* There is a curious fragment by Burke on the Whiteboys of 1761 in his Correspondence.

times of misery, which often meant famine, led to acts of crime, violence and savagery, are, it is said, indisputable facts. They are facts, I must add, which are not only indisputable, but in so far as I can judge are undisputed. They are common ground occupied both by the *Times* and by the respondents; they are not, as I read the Report, denied by the Commissioners. From these broad facts of Irish history, which is often nothing but the tale of Irish misery, may be deduced, it is urged, the following among other conclusions. The true origin of the outrages and murders which have darkened the annals of Ireland during the last eleven years is the secular war waged between tenants and landlords. The agitation guided by the Land League is the symptom not the cause of crime; boycotting has checked rather than stimulated murder, the leaders of the League deserve not blame but gratitude, for they have been not the patrons of violence, but the preservers of order. Hence it follows that the Commissioners have fallen into error in treating the respondents as the authors of criminality; the judges have failed naturally enough to look upon the condition of Ireland with the eyes of calm historians or philosophic observers, and have made the mistake committed by many good men before them of fancying that reformers who denounce patent evils are the causes of crimes due to the very oppression and misery which they are seeking to remove. Popular leaders, it is further added, fighting a battle for the rights of a whole people, deserve no severe blame if, in the heat of a deadly conflict, they exhibit some want of temperance, indulge occasionally in unrestrained language, and overlook

ill-considered deeds which they would be the last to advise or authorise. Denunciations of land-grabbers by politicians who held land-grabbing to be the ruin of Ireland is in short an offence which should be looked upon at any rate with great leniency.

This is the line of reasoning (stated of course in my own words) by which it is sought to show that the leaders of the League are not responsible for the crimes which followed its formation. This defence, when presented in its best form to the Commissioners, admittedly did not satisfy them. It is certain to be reproduced in various shapes, and from the subtlety with which it blends together truth and error, it is calculated to impress the imagination of the public. Its radical defect is that it draws from premisses, most of which are indisputable, unwarrantable, disputable, and indeed utterly unsound conclusions. It deserves, however, a careful and detailed answer.

Answers. i. Immediate cause of crime always acts of individuals.

An answer to the plea that the crimes imputed to the League have been caused by the general and historical conditions of Irish society, and therefore not by the respondents, is that the crimes in question have, like all crime, been caused by the operation of general conditions, and also by the acts of particular men; and that a plea which may be urged in defence of every crime, murder, burglary, or theft, is not available as an apology for any crime.

True it is that the prevalence of agrarian outrages in Ireland is referable to a complicated series of historical events, and a philosophic narrator of Irish history, or a thoughtful historian of the agitation for a reform of the Irish land laws, would be unfit for his work if he did not

dwell upon the circumstances which predisposed Irish tenants to the commission of agrarian crime; but even an historian would be bound to add that the immediate cause of the revolutionary violence which has disturbed Ireland for more than a decade was the action of the League, and that this sinister action took place during the very period when the evils which had afflicted Ireland were being remedied by statesmen anxious above all things to remove causes of just discontent. An historical writer, in short, must overlook neither general causes nor the effect due to the acts of individuals. He who, for example, should tell the tale of the Massacres of September ought, assuredly, to dwell on the state of popular suspicion which made these massacres possible; but he assuredly ought also to dwell on the acts and the guilt of Danton and others, by whom the massacres were planned.

Now, the Commissioners were not historians but judges; it was not their duty to compose an historical survey of the causes of Irish discontent. To have attempted such a task would have been the perpetration of a signal folly. Their duty was to determine not whether the conditions of Ireland did or did not favour the commission of agrarian crime, but whether the action of the League did not stimulate such crime. This was a matter which lay strictly within the competence of the Commission Court; their decision on such a subject is, for the purpose of our argument, final. The Commissioners distinctly and deliberately reject the suggestion that crime was due to general causes, and not specifically to the agitation of the League:—

"It was contended before us that the agrarian crime of

"1880, 1881, and 1882, abnormal and appalling as it was, "ought not to be attributed to the agitation of the League, "but to a chronic state of crime into which Ireland was "wont to lapse when distress, aggravated by eviction and "the fear of it, set in. It was asserted that as, follow- "ing on the famine years of 1846–1848, ejectments and "threats of ejectments multiplied, crime increased, so in "the years 1879, 1880, 1881, 1882, like causes produced "like results. It was further suggested that the crime was "the work of secret societies acting in antagonism to the "League; and lastly that it resulted from the House of "Lords having thrown out the Compensation for Disturb- "ance Bill in August, 1880. On examining the facts, how- "ever, we cannot accept any of these hypotheses."*

They exhibit in tables, which ought to be studied by every elector throughout the United Kingdom, the singular and very suggestive variations in the statistics of agrarian crime,† and they come in effect to the general conclusion that "the rise of agrarian crime was coincident with the "activity of the Land League, and the coincidence of the "decrease of agrarian crime with the inactivity of the "League, will be found to be equally conspicuous."‡ As, in short, the power of the League increases so agrarian crime increases with it; as, by means of Coercion Acts or otherwise, the authority of the law waxes and the power of the League wanes, so the prevalence of agrarian crime wanes also.

ii. Boycotting is itself crime.

We must remember also, in order to determine the responsibility of the Parnellites for crime, that the assumption

* Report, p. 84. † See Report, pp. 81—87. ‡ Report, p. 83.

constantly implied or put forward, that boycotting itself is not crime, but is what Sir Charles Russell calls "focussing" the opinion of a largely preponderating class in the community in condemnation of a particular line of conduct supposed to be inimical to the general interests of the community,* is an assumption which no man who accepts the Report as true can for a moment admit. Boycotting as it existed (and exists) in Ireland is itself crime and the parent of crime.

Though organisation of criminality may diminish number of offences.

Here, however, we come across a point which deserves notice, because it is the explanation of the contradictory views taken by the defenders of Parnellism and their opponents as to the connection between Parnellism and crime. Sir Charles Russell, who spoke in a tone—I say it to his honour—very different from the language of mere advocacy, maintained, and doubtless with sincerity, that boycotting lessened serious crime.† The "focussing of public "opinion," or the system of organised oppression, tended, he believed, to diminish the need for unsystematic violence. In this opinion there well may be an element of truth. Intimidation is nothing else than coercion by the threat of injury. Where the menace if unheeded is known to be followed by the threatened evil, the actual infliction of the menaced penalty, as for instance death, may become unnecessary. A reign of terror may be a reign of order. Despotic power preserves its nature by whomsoever it is wielded; when a President has struck a successful *coup d'état*, when the Jacobin Club has got the guillotine into active operation, when an association has convinced a

* Russell's Speech, p. 80. † Russell, p. 80.

whole country that resistance will be punished by insult, by ruin, by bodily harm, or by death, passive obedience averts the infliction of severe punishment. The organisation of criminality has, then, a tendency to diminish the number of serious crimes. But a system of cruel intimidation is, to men who know the meaning of freedom and progress, the most terrible of all crimes. It is a relentless form of tyranny which deprives honest citizens of the liberty which to men of noble spirit is the one thing which makes life worth living. In the eyes of true freemen, decrease in the number of crimes may give no satisfaction whatever. Better that twenty landlords perished at the hands of vindictive tenants than that the death or injury of a single landlord, shopkeeper, or peasant, warned a whole people that they must obey illegal, and therefore despotic, power. It is better, far better, if we must make our choice between terrible evils, that many men should meet with violent deaths than that a few deaths or a few outrages should cow whole classes into slaves. I am quite aware that Sir Charles Russell and men like him hate murder and outrage and cruelty as sincerely as do I myself or any of my readers, but I doubt, I am compelled to doubt, whether, to some at least of the apologists for boycotting, lawless power which affects to speak in the name of the people seems anything like so horrible as despotism of all kinds has in past times been deemed, and I trust is still deemed, by Englishmen. The tyranny of local opinion enforced by village ruffianism is no more entitled to respect than the tyranny of a king or an emperor.

Nor, if the "focussing of public opinion" diminishes

crime in one direction, can it fail to increase crime in another, for the methods proper for the establishment of local tyranny involve the excitement of the vindictiveness, of the cupidity, the rapacity, and the insolence, of every village ruffian throughout the country.

iii. Lawlessness of country increases responsibility of League for crime.

Apologists, moreover, who trace back agrarian crime to the lawless condition of Irish society, overshoot their mark; exactly in proportion as they lighten the League's direct responsibility for deeds of outrage, so they aggravate the moral no less than the legal responsibility of the League for every violent word uttered or published by its members.

The more orderly a state the greater the liberty or licence of speech allowable to citizens. In the United States or in England it would be folly to punish, or even extravagant to blame, a violence of invective and a recklessness of defamation which it would be madness not to punish with the utmost severity in France. Utterances which in a quiet peaceable country, such as England, are signs at worst of the orator's absurdity or folly, become, when uttered in Ireland, not only marks of criminality, but terrible crimes and heinous sins. If any man should in England compare the shooting of landlords to the shooting of partridges, the practical harmlessness of his words would make it hardly worth while to punish their atrocity. But the same words used in Ireland, amidst an agricultural population who, as the apologists of the League urge, have for generations carried on a violent and bloody feud with their landlords, become, whatever the object of the speaker, a practical incitement to murder. It is just because the Irish peasantry are in misery, are full of discontent, have

been for centuries accustomed to avenge their wrongs by acts of violence, of cruelty, and of murder, that it is one of the most fearful crimes for an Irish leader to play for political ends on the passions of the peasantry.* Look in this light at one or two utterances of the Land Leaguers. At a meeting of the League, 2nd November, 1880, Mr. Redpath delivers these sentiments about the murder of Lord Mountmorres :—

"He had had the misfortune to be in Clonbar when "Lord Mountmorres was killed. The friends of the Irish "peasantry had been altogether too gentle in their talk "about the infamous rascal. He was a Government spy, "and once bragged that he was in the pay of the Castle. "He made very disrespectful remarks about Fenians. If "they were going to do that, they should keep out of the "West of Ireland or they would be hurt."†

No one present repudiates his words, and Mr. Redpath

* This is no new doctrine invented for the condemnation of the Parnellites; it is one of the most elementary truths of political science. "No "one pretends that actions should be as free as opinions. On the con- "trary, even opinions lose their immunity, when the circumstances in which "they are expressed are such as to constitute their expression a positive "instigation to some mischievous act. An opinion that corn-dealers are "starvers of the poor, or that private property is robbery, ought to be un- "molested when simply circulated through the press, but may justly incur "punishment when delivered orally to an excited mob assembled before "the house of a corn-dealer, or when handed about among the same mob "in the form of a placard." (Mill, "On Liberty," people's edition, p. 32.) These are the words of a thinker who carried his dislike of restraints on the expression of opinion to the very utmost limits compatible with good ease. Can any one doubt that Mill, passionate friend of Ireland as he was, or rather just because of his love for Ireland, would have condemned the action of the respondents in terms at least as severe as any employed by the Commissioners.

† Report, p. 37.

is afterwards, at another meeting, thanked for his services in the cause of the toiling masses of Ireland. Mr. Biggar on another occasion alludes to Hartmann as an example to Irishmen.* Mr. M. Harris, as all the world now knows, likens the killing of landlords to the shooting of partridges. Mr. Boyton tells his audience in County Kerry, that there are "plenty of "landlords who deserve to be shot at any man's hands." "I "have always," he adds, "denounced the commission of out-"rages by night. . . . . If you must blow his brains out, "blow them out in the day-time." † Let us pass from subordinates, and listen to the words of Mr. Parnell himself. This is what he says on the 3rd of November, 1885, with regard to Lord Spencer when referring to P. W. Nally, a convict proposed by the Fenians as a candidate for the representation of County Mayo. "I believe of Mr. Nally that he "is one of the victims of the infamous system which existed "in this country during the three years of the Coercion "Act.‡ I believe of Patrick Nally that he is a victim of "the conspiracy which was formed between Lord Spencer "(groans) and the informers of their country for the purpose "to obtain victims to what they call 'law and justice' "by any and every means, whether they were innocent or "not."§

"We cannot," write the Commissioners, "suppose that "Mr. Parnell really believed in the justice of the accusation "which he here made against Lord Spencer." ‖

This comment of the Commissioners is pregnant with

* Evidence, Vol. VIII., p. 402, No. 75,917.
† Report, p. 46. ‡ Report, p. 92. § Report, p. 93.
‖ Report, p. 93.

significance, but Mr. Parnell's spoken words are nothing to the habitual language of Mr. Parnell's newspaper. *United Ireland** is the organ of the League; it was owned and, as far as the English world knows, still is owned by Mr. Parnell and others; its editor was, and I suppose is, Mr. Wm. O'Brien, M.P., who, by the way, has told us that he would at Mr. Parnell's bidding at any time resign the editorship.† In this paper were poured out, week after week, abuse of Lord Spencer and Sir George Trevelyan, of which the following, taken from the Report, is a specimen :—

"With all the stubborn force of a cruel, narrow, dogged "nature, he (Lord Spencer) struck murderous blow after "blow at the people under his rod. He stopped at nothing; "not at subsidising red-handed murderers, not at knighting "jury-packers, not at sheltering black official villainy with a "coat of darkness, not at police quarterings, blood taxes, "the bludgeoning of peaceful meetings, the clapping hand-"cuffs and convicts' jackets on M.P.'s, mayors, and editors, "not at wholesale battues, of hangings, and transportations, "by hook or crook. Not at burying the proof of his victims' "innocence in their graves. With Earl Spencer to his lugu-"brious limbo probably departs the last 'strong' English-"man who will ever undertake to dragoon Ireland out of "her nationality by police barbarism, paid perjury, jury

* As to *United Ireland*, see Report, p. 65; compare the evidence of Mr. Wm. O'Brien, Vol. VIII., p. 100; Mr. Parnell, Vol. VII., pp. 164, 165. Parnell, it is fair to add, does not recognise *United Ireland* as under the control of the League, but he says, *inter alia*, "I think you are fairly entitled to say that *United Ireland* was the chief organ of the Land League." (Vol. VII., p. 165, No. 60,035).

† See evidence of Mr. Wm. O'Brien.

"juggling, the immemorial informer, and the sacred rope—"hurrah."*

This is the kind of villainy published in the organ of the Land League, and circulated up and down Ireland by the respondents, within hardly more than three years of the Phœnix Park assassinations. No need for saying much on this head. The respondents must be judged by their words. Their language, whether published by word of mouth or in print, would have been intolerable if addressed to the well-to-do citizens of London. It was addressed to the poverty-stricken peasantry of Ireland. Grant that every word urged on behalf of the League by their ablest advocates as to the misery past and present of the Irish people is free from exaggeration; the more amply this concession is made the severer the condemnation which these advocates unconsciously pass upon their clients. For the more numerous the wrongs that Ireland has suffered, and they are many—the bitterer the misery of her country-folks, and it has often been bitter indeed—the deeper the ill-will of Irish tenants towards her landlords, and the more deep-seated their traditional hatred of English law and English officials—the more terrible, both in the eye of man and in the eye of God, becomes the responsibility of leaders who stimulate animosity by the language of virulence and slander. Every stroke that darkens the picture of Irish society adds an additional atrocity to language and acts, which, whatever the intention of the Parnellites, must by its very nature have prompted followers who were both wretched and ignorant to the commission of crime.

* *United Ireland*, 13th June, 1885; see Report, p. 70.

Difference between English and Irish opinion.

An Irish defender of Parnellism would (it may be suspected), if he could speak out his thoughts quite freely, press upon us the impossibility of any Englishman or Scotchman entering into the ineradicable sense of wrong and ill-usage which in the mind of patriotic Irishmen might justify actions or methods of action which in a country like England no man of humanity could for a moment defend. There is great though melancholy truth in this suggestion. It does show that persons guilty of the offences committed by the respondents may in the particular instance, be men of a far higher moral stamp than could be any person who committed the like crimes in England, France, or Germany. This admission I make with the utmost readiness. Englishmen should constantly remember that they cannot estimate fairly the moral blame which may, or may not, attach to wrongful acts instigated by Irish patriotism or fanaticism.

There exists, however, another aspect of the same matter, which is equally true and deserves equal attention. The language of Irish apology used, for example, by the respondents, or by witnesses on their behalf, betrays to a careful observer the difficulty, not to say impossibility, felt by many Irishmen in understanding the fiery indignation kindled in the minds of Englishmen, who entertain nothing but goodwill to Ireland, by the foul-mouthed calumnies of *United Ireland*, or by the deliberate maintenance by Irish politicians of a system of intimidation severe and cruel in itself, and generating crimes of even greater cruelty and atrocity. This sentiment, let me add, is not peculiar to England. There is no Christian land throughout the world where language like that of *United Ireland* or a conspiracy

such as that condemned by the Commission would not excite indignation.

In any case apologies drawn from the history of Irish crime miss their mark. Whilst they fail to prove that the action of the League had no connection with criminality which increased as the power of the League waxed strong, and decreased in proportion as the authority of the League grew weak, they do show that recklessness of act and language which might be harmless, if not pardonable, in a peaceful and orderly community, became the gravest of offences in a country shaken by all the violent passions naturally attaching to an agrarian conflict or revolution.

Argument. II. *Argument from universal prevalence of Boycotting.* —Boycotting, and still more the spirit of boycotting, is, it is admitted, an evil which, wherever it exists, just men of all parties detest and deplore. But the thing, under whatever name, flourishes, it is urged, in England as well as in Ireland; it is known to all parts of the United Kingdom; it is practised by Tory squires or Primrose dames, as well as by Parnellite politicians or members of the Land League; it is therefore grossly unjust to treat as criminal in Ireland conduct which we deem, at worst, only blameworthy in England; we ought all to condemn the spirit of boycotting, but our denunciations lack justice if they are directed only against a party whose political aims we happen to detest.

The amount of truth which this line of argument contains must be admitted. The "spirit of boycotting," if we mean thereby the tendency to grasp political advantage by appealing to the interest or the fears of electors, exists

throughout the United Kingdom, as it exists throughout the world. Men entertain different and often erroneous views as to the limits of legitimate influence, and at every election voters can be found who have lost custom or social advantages, or have been threatened with such loss by partisans whose zeal outran their sense of justice. That this should be so is deplorable, and every sensible man hopes, as most sensible men believe, that in Great Britain, under the influence of enlightened opinion and of effective legislation, the use of undue pressure—of exclusive dealing—year by year diminishes. The abuse at any rate does not spread; it is not peculiar either to Conservatives or to Liberals. Grant, however, that "the spirit of boycotting"—that is, the evil disposition which in Ireland culminates in boycotting—exists everywhere. This concession does not help out the argument of our apologists. The answers to their reasoning are conclusive, and deserve to be weighed with care.

Answers. 1. Not concerned with spirit of boycotting.

Were it true that "the spirit of boycotting" exists everywhere, this affords no ground whatever for not punishing proved acts of extreme cruelty and intimidation. The spirit of theft, of lust, and of murder, exists everywhere, for covetousness, sensuality, uncharitableness, and malice flourish wherever human beings associate together. But this is not generally thought any reason against the denunciation and punishment of burglary, rape, and murder.

Talk, however, about "the spirit of boycotting" leads us off the right track. What we are called upon to deal with is no spirit of evil, no mere immoral tendency. We have to meet a definite plan of lawless intimidation,

marked by traits of savagery. We have to confront an organised conspiracy for the punishment of lawful acts (such as the hiring of land), for the punishment of the performance of legal obligations (such as the payment of debts), and for the punishment of the discharge of the most ordinary moral duties owed by man to man (such as the burial of a victim of murder, or the supplying of food to men, women, or children, who lack the necessaries of life). We have to encounter a system, moreover, that punishes acts which are innocent, or obligatory, or laudable, with penalties more severe than humane jurisprudence imposes upon the commission of heinous crimes. We see it discovered to our eyes by the Report of the Commission, not as a set of unconnected outrages committed by sufferers who are maddened by real or imagined wrongs, but as a scheme of wrong-doing invented by a known body of Irish leaders, who have deliberately gained their political ends by means of organised intimidation.

ii. Boycotting involves intimidation.

We are told, indeed, that boycotting, as advised and practised by the Land Leaguers, involves none of the horrors that I attribute to it. These good, innocent men, whose fair intentions may, no doubt, have been occasionally misunderstood, have never meant by boycotting anything which savoured of oppression: what they have aimed at is the practice of that legitimate form of focussing public opinion upon the morally wrongful acts of individuals which may be described as boycotting without intimidation.*

* See, *e.g.*, evidence of Archbishop Walsh, Evidence, Vol. VII., pp. 389—392. Speech of Sir Henry James, Evidence, Vol. XI., pp. 197, 198. See Russell's Speech, pp. 214—217.

Now, whoever asserts or hints that the respondents have advised and practised "boycotting without intimidation," deliberately sets his opinion as to the effect of a mass of evidence which he possibly has never read, against the deliberate judgment of the only persons, namely, the Commissioners, competent to pronounce a decision upon the matter. But whoever maintains the paradox that there can be such a thing as boycotting without intimidation does more than contradict the verdict of the three judges; he in reality, if not in specific words, contradicts witnesses called in defence of the respondents—I might without exaggeration say, contradicts the respondents themselves.* True it is that, according to the assertions of some of them, their intention was to preach "boycotting without intimidation," but we know what they actually did preach. Teachers who desired that land-grabbers should be treated like lepers, who desired that a land-grabber should be made afraid to hire the farm he wished to occupy, must, before they could imagine such a thing as boycotting without intimidation, have given to intimidation a non-natural sense, in accordance with which intimidation, perverted from its natural use, meant injury to a man's life or limbs.

Rarely, if ever, did these doctors in political casuistry press upon their disciples the subtle distinction between "boycotting" and "boycotting without intimidation." This

* "I think," said Mr. Biggar, "that any form of boycotting which does "not reach physical violence, or the threat of physical violence, is legiti- "mate." (Evidence, Vol. VIII., p. 408, No. 75,993). And again, "I believe "in boycotting to every extent. That does not mean physical violence. "And [in answer to a further question] approve of it." *Ibid.*, No. 75,991 and 75,992.

refinement could never have been made intelligible to Irish farmers, and this for the best of reasons. It is nonsense, and "nonsense never can be understood." The proposed distinction is self-contradictory. We live in strange times; good men forget the elements of morality; thoughtful men forget the meaning of words. Intimidation is coercing a man's acts by the fear of grievous evil, by making him, in short, dread serious peril to property, limb, or life. Now, take any established case of boycotting and you will see that it is impossible that the victim should not have been intimidated, or, at any rate, that his oppressors should not have meant to intimidate him. Take for example the position of Captain Boycott himself. His, though a notorious, was, as things have gone, a mild instance of boycotting. His foes may not have "dastardised" him, to use a term of Johnson's, for he was a man of conspicuous bravery, but they meant to terrify, or, in other words, intimidate him. Their very object was to make him fear that if he persevered in perfectly legal conduct he would suffer grievous damage; nay, further, it is absolutely impossible but that he must have felt, not the fear of a coward, but that anticipation of calamity which no sane man can avoid when he perceives the existence of real peril. Boycotting did in his case, as it does in all cases, threaten ruin, but it threatened more. When, in a country like Ireland, a man's cattle are driven off, his servants are driven away provisions are refused him, an hotel-keeper, even in Dublin, dares not give him shelter, when, brave though he be, he requires the protection of the police,* he must of necessity

* See p. 51, *ante*.

fear outrage and death. If to inflict such fear upon a man be not intimidation, words have lost their meaning. Are we to fancy that Mitchell,* who, for selling machines to boycotted persons, was threatened by butcher Condon, M.P., saw his son maimed for life, and suffered ruin and bankruptcy, was not terrified? Are the prolonged sufferings of such a man as Hegarty,† who applies to Davitt for help, and applies in vain, to be regarded as less serious than intimidation? Note that every man who is boycotted, even in the slightest degree, has before his mind the knowledge that neighbours who have broken the unwritten law of the League have been shot at, mutilated, or murdered, and then maintain if you can that any man who is boycotted is not also intimidated. This is no question of legal technicality or of nice evidence, it is a matter to be decided by the use of common sense and of plain language, and no man, I confidently maintain, who reads the evidence presented to the Commissioners, or trusts their Report, can dispute that to boycott a man means to intimidate him, even when it does not, as it often does, mean something far more terrible than the mere infliction of fear. Boycotting without intimidation is a contradiction in terms, for in the existing condition of Ireland boycotting, as practised in Ireland, involves the fear of outrage, ruin, or death; and such fear, when used to influence a man's conduct, is intimidation. Boycotting without intimidation will never become either possible or conceivable till there exists robbery without theft, and murder without killing.

* See pp. 51, 52, *ante.* † See pp. 53, 55, *ante*

Understand the real character of boycotting, and the argument from its alleged universality falls to the ground, for the assertion that boycotting, as known in Ireland, prevails in England is unproved and (with one possible exception, to which I shall recur)* unprovable. Where in Great Britain are the landlords, farmers, or shopkeepers, ruined by systematic intimidation? Where are the men, women, or children who have, in England or Scotland, been insulted in church, been shot at, been maimed, been driven from their homes, by political opponents or oppressors? Who can pretend to tell us of any murder done by Conservatives or Liberals to promote a political end? All my readers know that to these questions it is impossible to give an answer bearing out the assertion that boycotting flourishes everywhere. Do not let me be misunderstood. I am so far from denying that I freely admit that the "spirit of boycotting," if the expression be liked, exists in Great Britain, as indeed in every land where party feeling runs high. At every general election there are acts done by the more foolish, the more fanatical, or the less scrupulous members of every party which the better kind of Conservatives or Liberals would unreservedly condemn.

iv. Boycotting in true sense does not exist in England.

That "exclusive dealing" exists, though I trust not to any great extent, is of course true. But exclusive dealing is not boycotting, but "a totally different thing." † "I have a perfect right to deal with one man rather than another, and "even to tell people that I am doing so; but that has nothing

"Boycotting" not the same as exclusive dealing.

* See p. 113, *post*, as to the relation between boycotting and trades unionism.

† Mr. Gladstone, 24th May, 1882. Hansard, Vol. 269, page 1,552.

"to do with combined intimidation, exercised for the purpose "of inflicting ruin and driving men to do what they do not "want to do, and preventing them from doing what they "have a right to do. That is illegal, and that is the ille- "gality recommended by the hon. gentleman" [we may now add by the respondents]; "and it is plain that those who "recommend and sanction such illegality are responsible "for other illegalities, even though they do not directly "sanction them." *

These words were spoken by Mr. Gladstone within three weeks of the Phœnix Park murders. The crisis was one which must have impressed the duty of moderation and precision in language on statesmen far less humane and conscientious than Mr. Gladstone. Whether he holds now that he ought not to have employed these words I know not. But they strike through the whole contention that boycotting exists in England. Unionists see now what Mr. Gladstone saw on the 24th of May, 1882, that from the acknowledgment of exclusive dealing being practised by some Englishmen, it no more follows that the offence known in Ireland as boycotting flourishes in Great Britain, than it follows from the commission of murders in England that a vendetta like that of Corsica flourishes in Middlesex.

Hints, indeed, have been thrown out that Primrose Knights and Dames have been guilty of boycotting. But a politician of repute who gave direct expression to this charge was compelled to admit that he could adduce no evidence in support of his suspicion. If, however,

* Mr. Gladstone, 24th May, 1882. Hansard, Vol. 269, page 1,552.

acts of intimidation, or of oppression, which deserve either legal punishment or moral blame, are traceable to the Primrose League, or to any other association, let these wrongs be dragged forth into the light of day; the fervent desire of every honest citizen must be the overthrow of tyranny and the punishment of crime in whatever part of the United Kingdom it be proved to exist. Meanwhile, it is right to insist that no one shall insinuate charges which he dare not assert, or make accusations of which he does not even pretend to prove the truth.

Whoever tries to mitigate the political significance of boycotting in Ireland by demonstrating the existence of similar wrong-doing in England, ought to realise exactly what is the nature of the task he undertakes to perform. It will not serve his end if he show merely that individuals, whether Tories, Liberals, or Radicals, are chargeable with conduct, for instance, in the shape of "exclusive dealing," properly so called, which is inconsistent with a high sense of justice. He must, for his purpose, establish three things: first, that in Great Britain men bent on the attainment of political or social objects have committed acts similar in kind to the deeds which have marked boycotting in Ireland; secondly, that these wrongful acts are not the mere crimes of individuals, but are part of a system; and thirdly, what from a public point of view is the most important of all, that this systematic boycotting is known to, and recommended by, the leaders of a political Party, and that these leaders—say Lord Salisbury, Mr. Balfour, Lord Hartington, and Mr. Chamberlain—have not only known the evils to which this scheme of boycotting or intimidation

has led, but have, with this knowledge, persisted in the maintenance of the system. When these three points are established, it will, no doubt, be shown that there are English politicians who have no moral right to point the finger of censure at Mr. Parnell or Mr. William O'Brien.

The establishment of allegations, whereof no one at present even tenders evidence, would to most fair-minded men seem an argument rather for strengthening the law in England than for weakening it in Ireland. Meanwhile no system of exclusive dealing has been shown by any man to exist in England which is equivalent to the boycotting which we do not conjecture, but know to exist in Ireland. If, indeed, any man choose to call every case of exclusive dealing discoverable in Great Britain by the exaggerated term of boycotting, or, with even more patent absurdity, to describe such treatment as fell to Captain Boycott by the misnomer of exclusive dealing, he may first confuse his own mind, and then confuse the minds of his hearers. But no playing with words removes the essential difference of things. Exclusive dealing is one thing, boycotting is another; they are both evils, but they are no more the same evil than a slap on the cheek, which hardly inflicts pain, is the same thing as a blow with a bludgeon which causes death.

Boycotting punished England.

Boycotting, then, does not flourish in England. An attempt, indeed, was made by Irish boycotters to transplant their system to Manchester. The article was imported in a very mild and modified form, so as to suit the English market.* But the attempt at importation failed. The boycotters were duly convicted and deservedly punished under

* See *Reg. v. Bellew*, reported in the *Times*, 28th December, 1889.

the Conspiracy and Protection of Property Act, 1875 (38 & 39 Vict., c. 86, s. 7). The sentence they received, of three months' imprisonment with hard labour, excited no commiseration, and, it may be hoped, checked for ever the propagation in England of the political disease which has been ravaging Ireland.

Subordinate argument from Trades Unions.

Boycotting and Trades Unions.—The mention of the Conspiracy and Protection of Property Act, 1875,* brings to every one's recollection the one instance which can, with plausibility, be produced of the existence of boycotting, or something very like it, in England, and recalls a special and effective form in which the argument from the universality of boycotting is presented to the English public.

Trades Unions, it is said, are allowed without punishment to pursue a course of conduct which when adopted by Land Leaguers, is condemned and punished as criminal conspiracy. Trades Unionists treat "blacklegs" as Irish tenants treat "land-grabbers;" but whilst unionists are applauded and go scot free, Irish farmers are denounced and sent to prison. The boasted equality and fairness of English law comes therefore in practice to nothing.

This train of reasoning is not as a matter of logic very forcible. It points, if the premises on which it rests are sound, to the conclusion—not that Irish boycotters ought to escape from punishment, but that English artisans who ill-use "blacklegs" ought to receive severer punishment than always falls upon them. But an argument of small logical force may produce great rhetorical effect. If it could be

* See Stephen, Hist. Crim. Law, iii., p. 224.

shown that the law is more lenient to outrages committed by English artisans than to similar outrages committed by Irish tenants, the moral position of Unionists who tolerated this unfairness would be damaged.

Answer to arguments from Trades Unions.

The argument, however, admits of a satisfactory reply, though the right answer is not always given with sufficient plainness and candour.

Legally artisans, whether in Ireland or in England, stand in no better position than Irish or English farmers. The members of the trade society and a body of tenants may equally agree as to the terms on which they will in the one case accept employment and in the other hire farms. If tenants, whether in England or in Ireland, choose to agree that when their leases come to an end, they will peaceably leave their land and refuse to take it again, except (say) on the terms of paying a tenth part of their present rent, they will break no law. A "strike" among tenants is as lawful as a strike among workmen. But no persons throughout the United Kingdom, whether Trades Unionists or not, can without breach of law pursue the course of conduct condemned by the Commission; for to every man and woman apply the words of 38 & 39 Vict., c. 86, s. 7, which are as follows:

"Every person who, with a view to compel any other "person to abstain from doing or to do any act which such "other person has a legal right to do or abstain from doing, "wrongfully and without legal authority uses violence to or "intimidates such other person or injures his property, or per-"sistently follows such other person about from place to "place . . . shall on indictment be liable to either pay a

"penalty not exceeding £20 or to be imprisoned for a term "not exceeding three months, with or without hard labour."

If any man, that is to say, in England or in Ireland either uses violence to or intimidates his neighbour, or injures his neighbour's property (in other words, "boycotts" his neighbour), in order to prevent his neighbour, if a farmer, from hiring land or paying his rent, or, if an artisan, from taking service with a manufacturer, or from performing the contract of service into which he has entered, the wrongdoer, be he a unionist or a Land Leaguer, commits a crime. Add to this that the crime of which the three English judges have found the respondents guilty is a criminal conspiracy under English law, and that for similar acts a judge would undoubtedly direct a jury that Trades Unionists were guilty of conspiracy. Legally, therefore, Trades Unionists and Land Leaguers stand in exactly the same position.

Trades Unionists, however, it is alleged, do in fact intimidate blacklegs, and yet go unpunished.

The stereotyped reply to this allegation is that English artisans are incapable of committing offences like boycotting. It is true that they have never of recent years done acts comparable in atrocity to the offences of which the repondents have been found guilty, but no cool observer can believe that unpopular minorities, who violate the custom of the trade, do not often endure intimidation and worse at the hands of their fellow-workmen, and he would be a bold man who maintained that the intimidation practised by workmen had, even of recent times, been always put down with sufficient vigour. All that can be said is

that the commission by artisans of grave offences which have gone unpunished has not been proved. But it is well that statesmen who are determined not to repeal the Act of Union should be reminded that undue lenity in England may be equivalent to injustice in Ireland. The one safe principle is the enforcement of legal justice throughout every part of the State.

As things now stand, however, the worst deeds imputed by hostile suspicion to English workmen fall far short of the outrages flowing from the scheme of intimidation framed by the unscrupulosity of Parnellite statesmanship; and were it true, as it is utterly false, that every wrong done by a boycotter in Ireland could be paralleled by an enormity perpetrated by a Trades Unionist in England, still the intimidation which on this supposition would exist in Great Britain would lack the feature which, from a public point of view, is the most alarming characteristic of Irish boycotting—the patronage of a political faction. When Lord Salisbury and Mr. Balfour have increased their influence by adjuring artisans to treat every one who breaks the laws of trade as a leper, then it will be possible to assert that Trades Unionism stands on the same footing as the conspiracy for the intimidation of land-grabbers organised and supported by the Parnellite leaders. It is idle to plead violations of law and morality which are not proved to exist in England, in defence of organised tyranny which is proved to exist in Ireland.

Danger of palliating boycotting.

Meanwhile politicians who adduce in favour or in palliation of boycotting the liberty or license which it is alleged is enjoyed by English artisans, may be reminded that a

plea which is logically futile is of as dangerous tendency as it is of doubtful truth. Artisans were till recently under strong inducement to abstain from any kind of intimidation which might shock the national conscience; for they knew that the persecution of their fellows would damage the character of Trades Unionists. Public opinion stimulated in this case, as it always should do, the growth of virtues in which a section of the community might, from its special circumstances, be deficient. Statesmen who palliate boycotting, deliver artisans when tempted to commit acts of oppression from the dread of public disapprobation. If the fear of censure be taken away, working men, like all other human beings, will yield to temptation. Teach that boycotting is no worse than the practices of Trades Unionists, and English workmen will soon make good the doctrine of their teachers. Artisans are neither better nor worse than the rest of mankind, and workmen sorely tempted, even as things now are, to persecute companions whom they deem sneaks and traitors, will, if the constraint of general disapprobation be withdrawn, assume, or resume, habits of oppression which many of them may have found it difficult to forego. Let it once be believed that boycotters stand on the same level as strikers, and men on strike will "focus the opinion" of the trade on a minority who break trade laws by adopting, and it may be improving upon, the arts invented by boycotters.

Argument.

III. *Argument from the Nature of Political Offences.*— Political offences, it is sometimes argued, and more often insinuated, are not real crimes; the Parnellites may be law-breakers, but not real criminals; we ought to look

upon them with the respect, not to say admiration, with which most of us regard Mazzini, Kossuth, or Garibaldi. The distinction intuitively felt between treason and ordinary crime is, our apologists will add, founded on the nature of things. The motives which lead a man to rebellion are or may be exalted and patriotic. The motives which tempt a man to theft or murder are base and selfish; no legal maxim can remove this difference. Rebels and conspirators cannot be placed on the same line as murderers and pickpockets. Let lawyers say what they like, mankind will refuse to class Mazzini or Parnell with Rush and Palmer, and the other occupants of Madame Tussaud's Chamber of Horrors.

If this argument (which admits, by the way, that the respondents have committed grave political offences) is only used as a warning against assuming that conspirators who aim at weakening the power of England are necessarily the worst of mankind, it attains its end; but if it aims at proving that the offences of the respondents are of no moral and of slight political importance, it may be met by three decisive answers—

Answers.

1. Criminal conspiracy is a crime, and political crimes often atrocious sins.

First.—That a "criminal" conspiracy is a crime is, to any one who understands the use of language, indisputable: that it is a crime which threatens ruin to the commonwealth is also a matter past dispute. That a criminal conspiracy of which the objects are political, and political offences generally, such as treason or rebellion, may sometimes be the acts of high-minded men influenced by patriotic motives, is also a proposition which few will deny. Englishmen have often applauded rebels, though the men

whose treason or rebellion Englishmen have usually admired have mostly been persons who, like Hampden, did not revolt against the law, but resisted a tyrannical Executive which attempted to overthrow the law. There have been, and there may easily be imagined, cases in which every one of us would hold that rebels risking their own lives for the freedom of their country were performing a high duty. If the people of Strasburg or Metz could with any prospect of final success defy the power of Germany, and re-unite themselves to France, all Europe would applaud their patriotism. If in a moment of disgrace and weakness England should place Ulster in subjection to a Parliament at Dublin, it would be easier to adduce than to confute the reasons which in the eyes of many Englishmen and Scotchmen would justify Ulster in resisting a power to whom Ulstermen owed no moral allegiance. All this may be granted; but all it amounts to is that sedition, treason, and rebellion may sometimes be justifiable or praiseworthy. It does not dispose of the fact that a faction which disturbs public order commits *primâ facie* an act of the gravest immorality. Such a faction may possess moral justification, but its members must, in order to obtain an acquittal in the judgment of mankind, produce the most cogent proofs that their motives are absolutely pure, that their ends are beneficial, and what is most important of all, that their aims are unattainable by the use of lawful and constitutional means. To draw from the concession, which may easily be made, that the Whigs who in 1689 saved the liberties of England, and the patriots who established the independence of the American Colonies were, though guilty of

political offences, men of the highest virtue, the inference that all, or most, political offenders are good men, and that political offences can never deserve moral reprobation, involves a violation of the rules no less of common sense than of logic.

Political offenders have sometimes been pure-minded patriots; they have at least as often been irreclaimable scoundrels. The Club of the Jacobins was no assembly of heroes; the unsuccessful conspirator of Strasburg and Boulogne, and the triumphant conspirator of the 2nd December, 1851, will not live in history as the model of a patriot. Neither Gladstonians, nor for that matter Parnellites, are able themselves to accept the dogma that political offences are not crimes. Their sentiment is sounder than their logic. Of all the outrages which have occurred in Ireland, the one which is most certainly a political offence is the crime which we all of us agree to execrate: the Phœnix Park assassins were undoubtedly political offenders; had they escaped to a foreign country, their extradition could not have been demanded under any treaty which, like the treaties under the English Extradition Acts, excluded political offences from its provisions. If wretches guilty of a similar offence committed, say, in France or Germany, had reached the shores of the United Kingdom, they would have been safe from extradition or punishment. Booth, had he been able to cross the Atlantic, would in England have met with universal execration. But the assassin of Lincoln was a political offender, and I therefore doubt whether his extradition could have been claimed by or granted to the Government of

the United States. Political offences may be the most heinous of sins; they are always, even at best, among the most dangerous of crimes.

ii. The offences of respondents are not "political crimes."

Secondly.—Concede, for the sake of argument, that conspiracy, treason, sedition, or rebellion, are not real crimes. This concession, extreme though it be, does not supply the apologists of Parnellism with a plea wide enough to cover the offences of the respondents.

The public crimes which England has often condoned or applauded are attacks (such as open rebellion) upon the sovereign power of an ill-governed State. The condition on which rebellion or revolt has been held deserving of admiration is that it should be a public offence perpetrated for a public end, and at the risk of the rebel or patriot. Import into it any element of private greed, or of personal revenge, and the political offence sinks at once into ordinary crime. The glory of revolutionists has been that they and their followers, if they have shaken the foundations of the State, have, at least, not gained personal advantage from public trouble. Even fanaticism has generally sought to keep itself untainted by fraud. Add to this that the leaders of popular movements — and Irish revolutionists have been no exception to this rule — have generally aimed at raising the moral tone of the people whom they prepared for heroism and martyrdom in the resistance of oppression. Mazzini, whatever his errors, was a prophet. To kindle the noblest passions amongst his disciples, to elevate the life of Italy, was the aim of his existence. It may, indeed, well be doubted whether Italian independence would have seemed to him a necessity if the system of oppression

maintained at bottom by Austrian domination had not been fatal to the intellectual and moral development of Italians. Of the one dubious feature in Mazzini's career—his possible encouragement of political assassination—we hear much; of his exalted moral teaching we hear nothing. The reason is obvious. The Irish reign of terror is at bottom a scheme for promoting political ends by appeal to private interests, and by the encouragement of certain ordinary crimes. Hence followers who try to give practical effect to the doctrines of the respondents become criminals. A peasant who, resisting eviction, smashes the face of a bailiff; an evicted tenant who, to prevent the land he has quitted, and which belongs to his landlord, being re-let, intimidates or maims his neighbour; the well-to-do farmer who, to compel a reduction of rent, keeps in his own pocket, or transmits to the trustees of the Plan of Campaign, money due to his landlord; the whole body of tenants who, by force, cling to their holdings (that is to say, keep possession of property which is not their own) may, by their action, serve the political end of a faction; but they are acting for their private advantage, and can no more claim to be "political offenders" than the pickpocket who feeds himself and his children from the proceeds of theft can pretend to the character of an energetic workman, resolved at all cost to keep his family off the parish. Nor, further, can the politicians who ground the success of a public cause upon the instigation of private wrong-doing, claim such moral immunities or privileges as may be conceded to rebellion. If to aid in insurrection a body of Socialists were to open the gaols, and to stimulate the collective roguery of London

to the commission of burglaries, so that the police might be fully occupied in the repression of crime, the political conspirators might indeed contemplate the foundation of a Communistic Utopia, but law and conscience alike would condemn them for abetting theft and robbery. Fraud does not cease to be fraud because the cupidity of a cheat aids the plots of a conspirator; the killing of a bailiff does not cease to be murder because the murder of bailiffs promotes the disorder which benefits a political movement.

iii. Political offenders have not the rights of loyal citizens.

Thirdly.—Admit, for the sake of argument, that fraud, theft, assault, or homicide, if it contribute to a political end thereby becomes a political offence, and that the respondents and their disciples are therefore political offenders, yet this tremendous concession will not cover their position. The essential peculiarity of that position is that while guilty of acts which under the most lenient interpretation must be admitted to be political offences, the Parnellite leaders claim to exercise the rights of loyal citizens. Now rebellion and treason may, as I have admitted, be under conceivable circumstances justifiable; but conspiracy, sedition, treason, or rebellion, are absolutely incompatible with legality and loyalty. A revolutionist is a man who attempts to gain political ends, be they bad or good, by illegal force; he cannot fairly claim the position of a constitutional agitator—that is, a man who attempts to gain political ends, be they good or bad, by strictly legal means allowed by the constitution of the State. A rebel or a conspirator defies the power of the State, and risks his life or liberty upon the success of his defiance. A constitutional innovator yields obedience to the power of

the State, and while strictly observing the law, depends for his success on persuading his fellow-citizens to introduce legal changes, however great, by legal methods. The position of the two men is totally different. Whoever tries to combine both is guilty of fraud, and sacrifices the moral advantages of each. We may respect Mazzini, and we may respect Cobden, for they each took up a perfectly honest and clear attitude. Mazzini did not pretend to conspire and at the same time take part in the public life of the Austrian Empire; he did not claim to be at once a rebel against the power of Francis Joseph and the loyal subject of Francis Joseph. Mr. Cobden, on the other hand, and the whole body of English agitators, have used every legal means to effect changes in the law. But then Cobden did not conspire; the most painful incident * of his political life was the momentary imputation to him, on what must now appear utterly inadequate grounds, of justifying assassination. To Mr. Parnell it has been left to initiate that new kind of revolutionary movement which partakes both of a "constitutional" and of an "illegal" character.†

Whether such a combination of hypocritical constitutionalism with secret conspiracy may or may not commend itself to the conscience of an honest revolutionist I am little concerned to inquire. What I do insist upon is that the combination strips the leader who carries it out of whatever moral privileges, immunities, or palliations, public opinion attaches to the commission of mere political offences. The hypocrisy of politics is no more respectable

* Morley's "Life of Cobden," i., p. 256 (1st edition).

† See Report, p. 18.

than the hypocrisy of religion, and it is from a public point of view more dangerous. Agitation, even when kept within legal bounds, is perilous to the prosperity of free commonwealths. Once let it degenerate into conspiracy, and it is a disease which may destroy the freedom or the existence of the State.

The plain truth is that an agitator who is also a conspirator, is, whether he recognises the fact or not, dealing unfairly with his opponents. They respect his legal rights; they regard, for example, the meetings he convenes as *primâ facie* legal assemblies; they concede to him the opportunity of sitting in Parliament and of obtaining seats for his allies; they allow him, it may be, to take office; and all this they do because they suppose that he keeps within the law, and that, as he claims respect for his own rights, so he also respects the rights of his opponents. If he conspires while thus claiming the advantages of a loyal subject, he is guilty in effect of fraud.

It is vain to suppose that the party in a State which rightly confines itself to strictly legal methods of action will in the long run concede the rights of loyal subjects to opponents who to the freest use of the ordinary arms of political warfare, add the weapons of criminal conspiracy. How far, for example, the peculiar kind of pressure placed by the members of the League upon the free action of Irishmen whose acts they disapproved may have influenced the result of Parliamentary elections, no man can tell. But Englishmen, who are asked to concede extravagant weight in matters which do not concern Ireland alone, to the authority of Parnellite M.P.'s, as representing the people

of Ireland, must undoubtedly feel that the weight, which might legitimately attach to the representatives of the electors of one portion of the United Kingdom, is not a little diminished both by the doubt how far the representatives of Ireland are freely chosen, and by the reflection that men who have been guilty of a criminal conspiracy are not entitled to press their constitutional rights to the very utmost length in any sense compatible with the law of the constitution.

IV. *Argument from the Nature of Political Movements.*—

Argument. All great political movements, either abroad or in England, have, it is said with substantial truth, been discredited or disgraced by conduct more or less repugnant, no less to morality than to law. All reformers have, moreover, appeared to their opponents to be demagogues or desperadoes; yet, as time goes by, the men who were deemed criminals and revolutionists have constantly attained the permanent reputation of heroes and patriots. Mazzini, and Kossuth, and Garibaldi, and even such an absolutely pure-minded philanthropist as Garrison, have seemed in the eyes of those whose prejudices or interests they thwarted, to be wretches unworthy of toleration, or of life.

The same thing in a measure is true of Grey, of Russell, of Brougham, and the other Whigs who led the struggle for Reform. It holds true also of Bright, of Cobden, of Villiers, and the whole body of men who gave to the people of England cheap bread. In 1830 there were few Tories not prepared to believe that Russell and Brougham were traitors who, whether consciously or not, were bringing upon the country the horrors which the great Revolution

had brought upon France. In 1840 few were the squires and Protectionists who were not ready to credit any amount of violence or sedition which suspicion or slander could attribute to the Anti-Corn-Law League. Nor, be it recollected, was the hostility excited in the minds of Tories or Conservatives wholly without cause. Agitation tends constantly towards illegality. Rarely indeed do the leaders of a popular movement keep absolutely within the strict limits of the law. No fair-minded man can doubt that Lord Russell and his associates—men who ultimately became the canonised saints in the calendar of Whig Worthies—said many things between 1830 and 1832 of which the violence was at least as clearly marked as the respect for law. It is even quite possible that had the King and the House of Lords joined in rejecting the Reform Bill, Whig reformers might have turned into Radical revolutionists. At the meetings of the Anti-Corn-Law League, again, a good deal, it may be suspected, was said which naturally alarmed Protectionists, and which very possibly might twenty or thirty years afterwards, if recalled to the survivors of the League, have a good deal astonished politicians whose language and whose very thoughts had been moderated by the removal of the abuses which they attacked. Many of us can remember the time when John Bright was accused of propounding schemes of agrarian revolution or confiscation. What has happened in the case of other reformers will, it is suggested, take place in the case of Parnell, of O'Brien, or of Davitt. Learn, we are adjured, by experience. Judge Mr. Parnell's offences to-day as you judge the real or alleged offences of Russell, of

Brougham, or of Bright. Try to judge the Irish leaders as posterity will judge them thirty years hence. Anticipate in 1890 the equity of 1920.

Answer. My wish is to put this line of reasoning in its strongest shape. It admits of elaborate rhetorical adornment. It is captivating, and appeals to the good-nature, to the tolerance, and to the desire to let bygones be bygones, which are amongst the best of English feelings. But this line of argument, though it be, is fallacious, for it is based on more than one erroneous assumption.

1. Agitators often not justified by judgment of history. It is, in the first place, no universal truth that political leaders execrated one day by their opponents, are, after the lapse of years, acknowledged by all the world to be high-minded patriots. Time brings strange revenges; it confutes many falsehoods; it also obscures many truths. It assuredly does not invariably surround with a new halo the names of reformers or revolutionary leaders. We can hardly recur in thought too often to the experience of France. The Dantons, the Robespierres, the Marats, the heroes of Jacobinism, even the virtuous Girondists with all their declamatory patriotism, with all their injustice to opponents, which is half forgotten because of the gross injustice whereof they were themselves the victims, with their high aspirations and at once feeble and unscrupulous action, have not stood the test of time. The more minutely the history of the Revolution is known, the more the world is forced back towards something like the judgment of contemporaries. Taine's "*Conquête Jacobine*" reads as though it were a series of *pièces justificatives* produced in support of Burke's Regicide Peace. All the world knew

the cruelty, but there are few Englishmen who till recently have realised the meanness, of Jacobinism. Taine, it will be said, is no impartial judge. So be it. All that my argument goes to is to show that the lapse of time does not always redeem the character of revolutionists or conspirators. Historical inquiry may possibly, from the evidence given before the Commission Court, draw inferences less favourable to Parnellism than were permissible to the calm impartiality of the three judges.

ii. English agitators have adhered to legal methods.

The character of those English reformers who have led English opinion during the last sixty or seventy years has risen with the course of time. The same thing may undoubtedly be asserted of O'Connell, and, with certain reservations, of the body of Irish enthusiasts of whom Sir Gavan Duffy is, if not the sole, the best known survivor.

This rise in the repute of agitators who were at one time the object of bitter censure is due in part to the oblivion which has fallen upon the faults and follies which reasonably offended or alarmed contemporaries.

O'Connell, for instance, displayed undoubted virtues which the Tories and Whigs of his time did not appreciate; but he was guilty of faults and betrayed weaknesses which both the Liberals and the Tories of to-day have forgotten. The main reason, moreover, why time has redeemed the character, or heightened the reputation, of men who during this century have played a great part in the conduct of agitation, is that they most of them abstained from the offences committed by the respondents. Violent words and violent acts marked the era of the Reform Bill, but no human

being supposes that the riots at Bristol were instigated by Russell or Melbourne, or that the Whigs of 1830 could by any court whatever have been found guilty of criminal conspiracy. To associate the name of Bright, of Cobden, of Villiers, with sedition or illegality is simple absurdity. The virulence of O'Connell's language, the threatening character of his demonstrations, the illegality or criminality of some of his conduct, may be admitted. These circumstances, in the eyes of any calmly-judging Englishman, detract from his reputation; but on the other side must be placed the admitted fact that he abhorred bloodshed, and that, when urged on by his younger followers, he would never plunge into the paths of revolution. The leaders of Young Ireland were revolutionists; they tried the plan of revolution, and failed; they, however, distinctly rejected the policy of linking plans of agrarian plunder with schemes for the independence of Ireland. They strove, according to their lights, to raise the character and the aspirations of their countrymen. They never dreamt that a policy of plunder could be made the substitute for a war of independence. It is absolutely futile to infer from our way of looking back at the acts of men who most of them obtained constitutional changes by strictly legal means, and all of them were guiltless of the kind of conspiracy entered into by the respondents, that thirty years hence the English world will look with respect or admiration on the political career of Mr. Parnell and his associates. Acts of lawlessness are, it is true, the concomitants of all great popular movements; but the charge established before the Commission Court against the respondents is that the lawlessness which forms the

accident of other movements has been the essential and inseparable property of Parnellite agitation.

Another form of argument, viz., revolutionary acts pardonable during revolution.

The apology we are considering sometimes apparently takes—or, at any rate, tends towards—a bolder form of defence. The admission is made, with more or less distinctness, that the respondents have been engaged in revolutionary proceedings, certainly not admitting of legal, and hardly admitting of complete moral, justification. But this assertion is accompanied by something very like the suggestion that the present is a revolutionary crisis, and that at such a period revolutionary actions which a moralist will hardly defend may be wisely condoned or overlooked by statesmen.* Loyal Catholics, we are reminded, did not in the time of Elizabeth denounce the plots of emissaries from Rome. The Long Parliament, whose leaders have a secure place in the grateful veneration of the country, committed legal irregularities. So great and good a man as Mazzini bore the reproach of connection with the Carbonari; and eminent men who have been guilty of rebellion or sedition have afterwards served with fidelity the very sovereign to whom they were once disloyal. We are not to forget that Andrassy, who in 1849 was sentenced to death by Austrian tribunals, was in later life the trusted Minister of Francis Joseph; that Sir Gavan Duffy, who shared all the plans or plots of Young Ireland, became in Australia the Minister of Queen Victoria, and now, with universal approval, receives a pension for his services to the Crown. The inference to be drawn from these historical facts—some of which (such as the loyalty of English Catholics in the age

* See Mr. Gladstone's speech, Hansard, Vol. 341, pp. 1,689 - 1,692.

of Elizabeth) may be a little doubtful—is not very distinctly pointed out by reasoners who thrust them upon our attention; but it apparently is that the more dubious features of Parnellite policy—such, for example, as the relations established between Parnellism and the Clan-na-Gael—ought not to meet with severe censure, but that we ought to commiserate the respondents for the necessity laid upon them of countenancing acts which legal pedantry or morbid scrupulosity may disapprove, but which some of the best among mankind have committed under the stress of the exigencies imposed upon them by a time of revolution. The whole argument, such as it is, is summed up in Mr. Parnell's axiom that "you cannot effect a social revolution "by dealing with it with kid gloves." The Irish leader is less mealy-mouthed and less verbose than his adulators or allies. The plea, whether put forward with insinuating eloquence, or blurted out with brutal audacity, has a certain impressiveness.

Answers. 1. State not bound to tolerate revolution.

The first answer is, that the plea implies that the Government of an orderly State is under some moral obligation to tolerate revolution. No such obligation does or can exist. So far from its being part of wisdom or expediency to relax the law at times of social disorganisation, it is precisely at such periods that the law should be enforced with the utmost rigour. The main object for which a civilised State exists is to ensure that every man who tries to carry out a social revolution shall put on kid gloves; or, in other words, shall effect the change he desires by legal methods, or not at all. A popular leader who will not assent to this limitation on his activity, but who tries to obtain his objects

by force or fraud, may, according to circumstances be a villain or a patriot; but, whatever be his character, the society he attacks must of necessity repel his assault, and repel it, if necessary, by the penalty of death.

ii. Revolutionists may be pardoned when revolution has ended.

There is nothing, again, paradoxical in the fact that a man at one time condemned to death as a rebel—such, for example, as Count Andrassy—should afterwards become a loyal servant of the State. When a revolution has ended, men who have fought on different sides may well forget former hostility, and join in the service of their common country. A virtual or formal amnesty for past offences does not prove that the crimes pardoned were not just objects of punishment at the time when they were committed. If the United States were at war, they would assuredly find staunch defenders among the officers of the old Confederate army. But this does not prove either that the citizens of the Union hold that secession was not a crime, or that in 1861 the United States Government might not have been justified in putting on their trial for conspiring against the sovereignty of the United States the very men whom they are now willing to enlist among the soldiers of the Republic. In 1740 it was right and just to keep an eye on Jacobite treason, and punish Jacobite conspirators. In 1760 it was right and just to pardon the crimes of 1745, and to encourage Jacobites to take service under George the Third. There exists the strangest confusion in the public mind between the attitude which the nation should take up towards adventurers who have not given up an attempted revolution, and the attitude the nation should occupy towards men who, under a past state of things, have engaged in a revolutionary

contest which has come to an end. This difference does not depend upon the moral character of the revolutionists. No act of viler scoundrelism was ever perpetrated under the plea of the public good than the massacres of September. It was the disgrace, and is the still enduring calamity, of France that these massacres and other popular excesses did not at once meet with condign punishment. But in 1801 no man of common sanity would have proposed to track out and punish the miscreants who in September, 1792, had committed atrocities which brought upon them the execration of mankind. The mere lapse of time was in itself nothing; for crimes there is in many countries no Statute of Limitation. Inquiry into the atrocities of the Revolution was barred by something much stronger than prescription. France had entered into a new era; the Reign of Terror itself was an event of the past. Of the revolutionists the principal men were dead; many were officials of the rising Empire; Napoleon—the former *protégé* of Robespierre—was ruler of France. A time may undoubtedly come when it will be foolish to say or think more of the criminal conspiracy and the other offences whereof Mr. Parnell and his associates have been guilty. The proper time for legal punishment has already gone by; but the time for remembering their offences has not passed, for the contest between law and revolution is not fought out. Ireland is passing, and will for many years yet have to pass, through the difficulties and dangers of a tremendous social change. The reason why, under our English system of government, we have effected successful reforms is that we have not allowed legal changes to be carried by violence.

Revolution is fatal to reform, just because it is the parent of reaction.

Here we come across a piece of popular clap-trap which has exercised more influence than many respectable arguments. The misdoings of the Parnellites are, we are told, "ancient history;" it is mere vindictiveness to unbury in 1890 the crimes of 1879 or 1882. Language of this kind makes a man wonder whether the enthusiasts who use it ever try to maintain some relation between fact and words, sentiment and justice. For the claim of the most trifling debt which a man can incur, the law allows no limitation less than six years; for the punishment of crime, the rigour and wisdom of English justice allows no period of limitation whatever. I presume that if any miscreant who took part in the act of warfare which terminated the lives of Cavendish and Burke were to make his appearance in London, even the most enthusiastic of sentimentalists would demand, or allow, the punishment of the murderer. These things called "ancient history" are, to any one accustomed to consider the life of States, mere matters of yesterday. No one, at any rate, who reads the Report—no one, I should have thought, who knew the name of Mr. Smith-Barry, or who glanced occasionally at the news from Ireland, could honestly doubt that boycotting and popular tyranny were in Ireland things of to-day, rather than matters of history, whether ancient or modern. The Commission Court did not investigate the Plan of Campaign; and Hegarty's case, which was one of the worst, was also, let it be noted, one of the later, acts of oppression. It was in 1887 that Hegarty was all but deprived of

Plea of "ancient history"

life.* To folly, to ignorance, and to forgetfulness, three years ago is, I suppose, "ancient history." The creed of sentimentalism is that we must overlook or deny all popular misdoing in the past, and, relying on our own oblivion, believe that the great heart of the people will never suggest the commission of any folly or crime in the future.

The plain truth that "the first duty of a State is to provide for its own conservation, and until that point is secured it can protect nothing else;"† and the corollary from this doctrine, that England cannot suffer conspiracy to be made a method of political agitation, would be admitted by every inhabitant of Great Britain but for the influence exerted by an argument or hope which is based upon the so-called union of hearts!

Argument

V.—*The Argument from the Union of Hearts.*—Gladstonians have convinced themselves that their leader's conversion to the doctrine of Home Rule, and his attempt in 1886 to confer Parliamentary independence on Ireland, have produced that reconciliation between the people of Ireland and the people of Great Britain which is popularly described as the "union of hearts." The miserable era of lawlessness and violence has, they conceive, come to an end. Words, it is admitted, were spoken, and deeds were done, between 1879 and 1886, which no good man can defend, and which are regretted by all the respectable members of the League. If the Commissioners are right in holding that the respondents were conspirators, conspiracy is now a thing of the past. Mr. Parnell has converted his followers to

* Report, p. 53.

† Burke, "Correspondence," iv., p. 393.

Parliamentary methods of reform; Mr. Davitt has surrendered his dream of Irish independence; the cause of Ireland is safe in the hands of the great Liberal party; Mr. Gladstone's eloquence has moved the feelings of the warm-hearted Irish race, and has filled the people of Great Britain with compassion for Irish wrongs. Hence a moral miracle has been worked; the union of hearts has begun, and with that union the bad old times of intimidation, of outrage, of crime, and of murder, have vanished for ever. The time has come when resentment and indignation can be laid aside, and Englishmen should give forgiveness, kindness, and pity in return for Irish loyalty, affection, and gratitude. These thoughts, or something like them, have filled the minds of Gladstonian electors, who see all the future relations between Great Britain and Ireland coloured by the light of the new day of happiness and reconciliation that under Mr. Gladstone's influence is dawning on the United Kingdom. The bonds of the legal union which has chained together two discordant countries may, they believe, be relaxed, because unity of feeling will, for the first time, mould the two nations into what is really one united State. In any case, what policy, no less than good-feeling, demands is amnesty. We must forget the dreary deeds of wrong which have taken place during a dark night of discord.

Answer. Premises of argument unsound.

The inference would clearly be indisputable if the premises on which it were based were sound. And there are not wanting appearances which favour the expectations of sanguine optimism. Mr. Gladstone's desertion of Unionism has changed the political outlook. Ireland's chances of

obtaining Parliamentary independence under an Imperial statute have greatly increased, and Mr. Parnell and his followers may reasonably place a confidence hitherto unknown to them in the rewards of Parliamentary action. The virulence of Parnellite invective has, perhaps, a little decreased; murders such as those which a few years ago startled England no longer occur; boycotting has lost a trifle of its severity, and the worst atrocities proved before the Commission Court are generally (though to this statement there are exceptions) not of recent date. It is possible therefore for a sanguine man who thinks that the desire for Parliamentary independence is the root of Irish discontent, and that the hearts of the Irish people glow with gratitude to Mr. Gladstone—it is possible, I say, for such a man to believe that the so-called union of hearts exists; and it is legitimate for one who believes this, to hold that the wisest thing we can do about the Commissioners' Report is to forget its existence.

The belief, however, on which this deduction rests is one of the most baseless fictions ever produced by popular imagination for the solace of popular sentimentalism.

1. Policy cannot be built on the sentiment of the moment.

The delusion rests at bottom on a false view of human nature, for it overrates the permanent effects of passion, sentiment, or emotion.

Suppose it were true—which there is no reason to believe it is—that the "Irish people" (by which term is meant in substance that body of Irish Roman Catholics who desire Home Rule) were filled with gratitude to Mr. Gladstone and to English Liberals. Nothing can be conceived more transient than the effect of such sentiment even where

genuine. All revolutions abound in scenic displays of feeling as transitory in their effect as they are striking in their appearance. It were scarcely an exaggeration to assert that the annals of the French Revolution consist of scenes exhibiting alternately popular emotion or generosity, and popular anger or cruelty. Unfortunately, one must add that the generous emotions were superficial, but the succeeding anger and cruelty were at least sufficiently permanent to support for months the Reign of Terror. Let no one think that such sudden changes of feeling were peculiar to revolutionary France. It would be an insult to compare Grattan and the Volunteers with Danton or Robespierre, and the armed sections of Paris; and the most enthusiastic Gladstonians will hardly dispute that the Irish patriots of 1782, who achieved independence by their own efforts, were men of nobler mould than the Land Leaguers, whose success has been achieved by boycotting at home and by alliance with the Clan-na-Gael abroad. The success, moreover, of the Volunteers was a national triumph; the success of the League has been, and must be, the humiliation of Ulster. It is difficult, under the change of sentiment produced by the experience of more than a century, to enter fully into the legitimate exultation felt not only by Irishmen but by English Whigs in Grattan's success. The goodwill for the moment entertained by Irish patriots for England found expression in the language of Grattan himself.

"Another point," he says, "of great magnanimity "in the conduct of Great Britain is that everything is given "up unconditionally. This must for ever remove sus- "picion . . . . The whole tenor of the conduct of

"the British Minister towards us has been most generous "and sincere." * "Words could scarcely do justice to the "grateful sense of Ireland on the occasion . . . . He "believed he might assure the House that Ireland had "resolved on a very extraordinary proof of its gratitude, no "less than giving 20,000 seamen to the British navy. Such "a gift as that was a solid, substantial, and real advantage. "It would tell abroad, and could not fail to prove of the "most essential service to Great Britain. This, therefore, "proved that Ireland was satisfied; indeed, it was agreed "in that kingdom that there now remained no other con- "stitutional point to be settled between the two countries."† The Parliament re-echoed the sentiments of Grattan. "We "do assure his Majesty that no constitutional question be- "tween the two nations will any longer exist which can "interrupt this harmony, and that Great Britain, as she "has approved of our firmness, so may she rely on our "affection."‡

This language is far warmer than any expressions of goodwill towards either England or English Liberals ever expressed by Mr. Parnell. He has never encouraged the English sentimentality which contributes so much to the success of Gladstonianism. Grattan's words, moreover, represented the true feeling of the hour; but the feeling of the hour passed away, as always happens, with the hour which gave it birth. Misunderstanding followed misunderstanding, dispute succeeded dispute. No need to blame the

* Grattan's Speeches, i., pp. 132—134.

† Parl. Hist., xxiii., 94. Cited from Lecky, iv., Hist., p. 554.

‡ Commons' Journals, xx., 404. Lecky, iv., Hist., p. 55[illegible].

statesmen either of England or of Ireland. The situation was a false one; with nations, as with men, concord depends upon the essential soundness of the relation in which they stand to each other, and not upon the influence of emotion. English and Irish statesmen meant quite as well towards each other at the period of Grattan's triumph as do the Parnellites and Gladstonians of to-day. But the concessions of 1782 were followed by the Rebellion of 1798, and by the more or less enforced Union of 1800. Scotland hated the sacrifice of political independence, but the Scotch Act of Union produced first unity of interest, and later unity of sentiment, with England. The Act of Union was not popular in Ulster, but, followed by other reforms, it has made Ulster the loyal ally of England. In the world of public life, as in other spheres of action, good work stands because it is good; ill-conceived designs fail because they are ill-conceived; little or nothing depends on the good or bad intentions, or on the noble or ignoble sentiments, of the workmen. Nor does it avail anything to say that the disappointments which followed the pacific revolution achieved by Grattan and the Volunteers arose in part from the errors or faults of English or of Irish statesmen. So be it. But what reason is there for supposing that the statesmen, whether English or Irish, of the present day will not commit errors or fall into faults? The one thing certain in politics is that men and nations will never act with anything approaching to perfect wisdom or perfect virtue. The last persons who can challenge this doctrine are the Gladstonians, for their unceasing contention is and must be that since 1886 the Irish policy of

England has been a series of mistakes and faults. If the maintenance of the union of hearts depends on Englishmen or Irishmen rising to the virtues of saints and to the wisdom of philosophers, the union of hearts as a basis of policy is worthless.

ii. Gratitude impossible between nations

Gratitude, moreover, and the like feelings, are sentiments proper to individuals, not to nations. France in 1859 broke, at the cost of French money and French blood, the chains which kept Italy in bondage to Austria; but to-day France is far less popular with Italians than Austria. This is natural. Every Italian knows there is far more danger of French troops returning to Rome than of Austrian armies re-occupying Venice. Nor is there anything in the dealings—the just dealings—of England with Ireland during recent times which can excite warm emotions of affection or gratitude. British legislation has been just; but justice no more evokes, or should evoke, gratitude or affection than the payment of a debt excites the thankfulness properly due to a gift. To regard the disestablishment of the Church of Ireland, or the Land Act of 1870, as deeds marked by generosity is ridiculous. The motives which led Englishmen to carry out beneficial schemes of legislation were in 1869, and in 1870, as in 1881, neither wholly noble nor wholly base. English Dissenters exercised no self-sacrifice in disestablishing a Church which they disliked, and English Radicals exercised no generosity in bestowing upon Irish farmers a share in the land of Irish landlords. In one sphere Englishmen might indeed exhibit generosity. They might show—as, indeed, they ought to show—great readiness

to incur pecuniary risks, or even large pecuniary sacrifices, for the sake of benefiting the Irish peasantry by making them on just terms owners of the land they cultivate. But for this form of national virtue Gladstonians have no taste whatever. Their one firm and unalterable resolve seems to be that not a penny of British money shall be given to Ireland; the only gift they are willing to make for the sake of cultivating the union of hearts is the gift to Irish tenants of land still the property of Irish landlords. Prudence in affairs is, it may be said, where the nation is concerned, a virtue. This may be so. But prudence approaching to parsimony is certainly not a virtue which kindles gratitude or excites respect in the heart of a poverty-stricken people looking for help from fellow-citizens who inhabit the richest country in the world.

iii. No union of hearts has been produced.

But even were it conceivable that Gladstonian zeal for Home Rule should produce the wished-for union of hearts, one thing is perfectly certain: the desired change in Irish sentiment has not as yet been produced. Parnellism has not altered its nature. It has always been a strictly double-faced movement, which looked at on one side bears the appearance of constitutionality, and on the other exhibits the reality of lawlessness. At one moment the constitutional aspect, at another the illegal aspect, of the agitation is forced upon the attention of the English public. At this moment the constitutional side of Parnellism is made the more prominent in England and before English audiences. That this should be so is the inevitable result of the alliance between Parnellites and Gladstonians. The wonder is—not that the desire to conciliate

Mr. Gladstone should have slightly checked displays of lawlessness, but that the influence of Mr. Gladstone and his followers should not have put an end to all open connection of leading Parnellites with defiance of the law.

Let it be also remembered that there have been checks placed on the growth of crime, more effective than Parnellite moderation. The Commissioners have proved that in Ireland, as elsewhere, punishment withstands the development of crime. The enforcement of law, which is miscalled coercion, has been invariably followed by a diminution in the number of agrarian outrages.* Fragmentary statistics may be delusive, but they may be trusted when they merely confirm the expectations of common sense. Orderliness in Ireland, as in England, and indeed throughout the world, is due to the enforcement of law. This is all the statistics show; it would be difficult to believe in their accuracy if they showed any other result. Nor can one believe that Mr. Gladstone's legislative fiascos have been wholly failures. The Act of 1881 must have removed some sources of discontent. The extension of the Ashbourne Act, even the hopes of a Land Purchase Act, may have done something to alleviate the pressing miseries of Irish tenants; the return of material prosperity has done far more. The partial triumph of order in Ireland is due, not to the generosity of Mr. Gladstone, but, as far as it depends on the action of statesmen at all, to the impartial enforcement of justice by Mr. Balfour.

The defeat of lawlessness has, however, been merely

*See especially Report, pp 81—85

partial. The plain and short answer to the allegation that Parnellism has changed its nature is contained in the words, the Plan of Campaign. The celebrated Plan was published in *United Ireland*, the official organ of the League, on the 23rd of October, 1886. I care not to discuss whether it has or has not received the technical sanction of Mr. Parnell and the League. We all know that it is a plan which has been kept on foot by the leading Parnellites, and could not exist for a day without their encouragement. The Plan is a deliberate defiance of law; it is a scheme on the part of tenants first to defraud a landlord of the rent due to him, and then out of the rent due to him to carry on the campaign by which he is to be coerced into obeying the will of his tenants. The Plan would be none the more lawful if the landowners attacked were the harshest of landlords. But a plan of the same kind, though different in name, is at this moment worked for the ruin of one of the best among the landlords of Ireland. "When I speak of a 'good' landlord, I wish "your lordships to understand that a good landlord, ac- "cording to the Irish acceptation of the word, does not "mean merely a landlord who is considerate in the "matter of rent, but means a landlord who takes some "interest in the condition of his people, and who shows "some sympathy with them. And I am glad to give as an "instance of a 'good' landlord . . . . Mr. A. H. Smith "Barry."* These are the words of Sir Charles Russell. This "good landlord" is at this very moment struggling

iv. The Plan of Campaign shows that the spirit of Parnellism is unchanged.

* Sir C. Russell's speech, p. 324.

manfully with the Plan of Campaign.* He is attacked by the Campaigners; he is deprived, as far as they can do it, of his property because he has chosen to support another landlord in refusing a reduction of rent—that is, because he has chosen to exercise one of the most ordinary rights of a British citizen. If the Plan triumphs, the rule of law, and with it the legal freedom of a British subject, is at an end; for the Plan in all its forms is nothing less than an attempt to make the will of a faction triumph over the legally-expressed will of the nation. It is not my object at the present moment to discuss the morality of the campaign. What I do assert is that the party who adopt it, and statesmen or politicians who openly approve or tacitly support it, are revolutionists. While the Plan of Campaign, or any plan like it, exists, it is vain to pretend that its patrons or its authors are converts from lawlessness, who confine themselves to merely legal methods of agitation. If the union of hearts means the union of English Liberals and Irish Parnellites in respect for law, then the union does not exist; if it means union between English Liberals and Irish Parnellites in resistance to the law, then it may well enough exist, but it marks the continuance, not the close, of a revolutionary contest.

Look, then, at the matter from whatever side we will, the

* Mr. Smith Barry is the victim of a campaign which does not, I am well aware, correspond in all its details with the celebrated Plan. But the variations are no benefit to him, and the attack on Mr. Smith Barry, because he supports the resistance to the Plan of Campaign carried on on Mr. Ponsonby's estate, is for all practical purposes part of the Plan of Campaign. See "Mad Tipperary," in *Murray's Magazine*, Vol VII., May, 1890.

apology for Parnellism fails of its end. It aims at showing that the Report has no political importance, but it in reality proves that the Commissioners brought into the light of day a fact which governs, and must govern, the whole course of English politics. The Report unveils Parnellism to the whole world, and discovers to us a movement which, under an outward show of legality, is based on conspiracy, and which seeks to effect constitutional changes by weakening the Executive, and defying the law of the nation. The respondents, we now know, are conspirators; they are not the advocates of a reform, but the leaders of a revolution. The apology, which seeks to attenuate the significance of the Report, immensely increases the gravity of the crisis. For the line of defence adopted by even the most moderate of Home Rulers, shows that British statesmen, who used to yield complete allegiance to the letter and to the spirit of the Constitution, have now imbibed the principles, and defend, if they do not as yet follow, the practices of a revolutionary faction.

CHAPTER IV.

POLITICAL RESULTS.

Political importance of the Report.

LET my readers note how matters now stand.

A powerful faction have been charged with heinous crimes; their conduct has been the subject of judicial investigation. Of the accusations brought against them, some few have been proved utterly groundless, and others have been held not proven. But the truth of certain charges—and these charges of the utmost gravity—has been established to demonstration.

The leaders of the League have received help—we may suppose still receive it—from the bitterest and most unscrupulous foes of England. If they have not countenanced, they have not dared to denounce, the policy of crime, of dynamite, and of assassination. They have, in promotion of their general schemes, entered into a conspiracy for the ruin of the landlords of Ireland by an appeal to the cupidity and to the fears of the Irish peasantry. This conspiracy has been based upon a system of cruel intimidation leading to outrage, to bloodshed, and to murder; and in this system the leaders of the League have, with full knowledge of its results, deliberately persisted. All this has been done in ultimate furtherance of a policy which, with some of the respondents, is little less than a treasonable scheme for establishing the national independence of Ireland, and with

all of them involves the breaking up of the unity of the United Kingdom.

It were possible without untruth to add to this established indictment circumstances of aggravation. But it is best to dismiss from our thoughts even legitimate suspicion. When the very existence of the commonwealth is at stake, it is well to keep our minds fixed upon the great issues in comparison with which the interest or the character of this or of that individual sinks into nothing. What we need to realise is the true nature of the crimes brought home to the respondents.

"They are found guilty of these things:—Conspiracy, "incitement to intimidation, which resulted in crime and "outrage and assassination—an incitement persisted in with "knowledge of its consequences. An alliance with, and "taking of money from, those who tried to procure dyna- "mite outrages. What does it matter if they are not guilty "of other crimes? Is not the list black enough? Rebellion, "terror, and alarm over the whole country; carrying in their "train murder, robbery, and arson."*

Parnellites proved conspirators.

Here we have the broad, plain, unquestionable conclusions arrived at by the Commission. They are amply sufficient to establish the one all-important political result that the leaders of the League are conspirators who have carried on a mis-called "constitutional agitation" by methods opposed to the law of every civilised country, and by methods absolutely inconsistent with loyalty to the State of which the Parnellites are still citizens, and of which they will remain citizens, and influential citizens, under the very

* Article of Lord Bramwell, *Liberal Unionist*, 1st April, 1890.

widest scheme of Home Rule which has ever received even the hypothetical approval of any responsible English politician. This is a conclusion which cannot be dismissed from the mind of any statesman; it is a fact which cannot be treated as if it had never existed or had never been discovered.

Crimes of Parnellites not hitherto known to English people.

The offences or crimes of the Parnellites have, it is occasionally suggested, been known for years to the whole world; the time has passed for thrusting upon public attention misdoings which have long been things of public knowledge and of public indifference. The suggestion is unfounded. Much which was strongly suspected by politicians, or even known to them, was, till the Commission had held their sittings, for practical purposes unknown to the electors of Great Britain. I doubt whether one Englishman in a thousand has till recently realised—to allude to a comparatively small matter—Mr. Parnell's responsibilities as part-owner for the slanders of *United Ireland*. Suspicion, moreover, is not knowledge; assertions which no one now dares dispute, would, if made a year or two ago, have met—some of them did meet—with unqualified denial. No Gladstonian would, two years back, have acquiesced in the statement that Mr. Parnell had intimated the unmistakable wish, not to say intention, to destroy "the last link" which keeps Ireland bound to England.* No English Home Ruler would in 1886 have admitted that the Parnellite movement was anything else than a constitutional agitation, or that from Mr. Parnell's own words could be proved that he contemplated a revolutionary movement

* See Report, p. 21.

partaking both of a constitutional and of an illegal character.* Who is there, even among Unionists, who would till very recently have assumed the certainty of Mr. Parnell's connection with Le Caron, or have asserted that the word of a leading statesman was less trustworthy than the word of a professional spy? The ingenuity of English statesmanship, and the credulity of English electors, has been hard taxed in order to establish what we now know is false, that boycotting is merely exclusive dealing. These efforts of political casuistry, which were always irksome, will now, I presume, be given up, since, in the face of the Report, their inutility is as great as their absurdity. To sum up the whole matter, there is not, I venture to assert, a single English Home Ruler who a year or two ago would have admitted, or would have believed, that the respondents—that is, the leaders of the League—had been engaged in a criminal conspiracy, and had made payments to criminals injured in the commission of crime. The very allegation that there is no novelty in the accusations established against the Parnellites affords the strongest of all proofs of the immense, though unacknowledged, effect produced by the publication of the Report; the charges which we are now told to treat as nothing because they are not new, are the very charges which but a year or two ago we used to be told to treat as slanders because they were not true. Accusation has been turned into condemnation, suspicion has become conviction.

Irish disloyalty, again, it is hinted, is morally excusable because it is the bitter but natural fruit of English

* Report, p. 18 and p. 40, *ante*, where his language is cited.

oppression. The absolute truth of this allegation can be admitted only subject to considerable qualifications. It contains, however, far more of truth than Englishmen readily allow. Let the plea be held good.

Virtues of Parnellites no defence for Parnellism

But it cannot be admitted that excusable disloyalty justifies every conceivable means of resistance to authority. There are arms forbidden even by the morality of revolution, just as there are modes of killing prohibited by the laws of war. On this matter, however, it were well to say little. Neither party to a civil contest ought, when this can be prevented, to act as judge in its own cause. Grant that in the eyes of Irish Nationalists every act done or countenanced by the respondents admits of moral justification. Grant, if you like, that every one of the respondents has, whatever his errors, acted from the highest motives and in accordance with the peculiar dictates of his own conscience. This concession does not in the remotest degree affect the attitude of defence to be taken up by citizens loyal to the British State.

Were Parnellism a creed of the purest patriotism, or the most disinterested fanaticism, the conscientious and self-sacrificing fervour of its zealots might raise our estimate of the respondents as men; but it would increase, rather than lessen, the danger to England of ignoring their enmity, and would add stringency to the duty laid upon all Englishmen of resisting their attack. Lee was a hero; Stonewall Jackson, it is said, was not only a hero but a saint. But admiration for the genius of Lee, and the courage and piety of Stonewall Jackson, is consistent with the belief that to resist the strategy of Lee and

the bravery of Stonewall Jackson was during the War of Secession the supreme duty of every citizen loyal to the American commonwealth. Patrick Ford is, in Mr. Davitt's judgment, the model of a Christian and a philanthropist. But Mr. Davitt himself would, I presume, admit that his friend's virtues would not excuse the police for letting Patrick Ford approach Westminster Hall with a packet of dynamite.

Moral offence of Parnellites.

It is happily, as I have intimated, neither necessary nor wise for Englishmen to pronounce judgment on the virtues or vices of men whose policy threatens ruin to England.

If Mr. Parnell and his associates are condemned by history, condemnation will fall upon them far less severely for treason to England than for faithlessness to Ireland. Boycotting, intimidation, cruelty, and crime—their whole scheme of terrorism—would have been rejected with horror by Burke, by Grattan, by O'Connell, by Thomas Davis, by every lover of his country who in times gone by has tried to redress the wrongs or vindicate the rights of the Irish people. Patriotism instinctively teaches that a country can be delivered from oppression only by stimulating the virtues of its citizens. Every rebel whose name commands the admiration of the world, has appealed to the bravery, to the generosity, to the noble instincts, or it may be to the religious enthusiasm, of the people whom he has delivered. Rapacity, cruelty, malice, cowardice, and terrorism, are—let men say what they like—vices which degrade, not virtues which save any man or race of men. The tenant who has been taught not to pay his rent when the money which he knows is not his

own is jingling in his pocket—the terror-stricken farmer or tradesman, who, in dread of being boycotted himself, joins in boycotting the very neighbours, friends, or relatives, whom it is his duty to protect—the unhappy tenants who have not dared to denounce cruelty, but who, terrified themselves, have insulted and intimidated women and children; who, driven in their own despite to acts of dishonesty which their conscience condemns, have persecuted their neighbours for uprightness which their own hearts admired—all in short who, enlisted under the influence whether of greed or of fear, have become recruits in the great army of conspiracy and plunder—have assuredly been turned from upright and humane men into knaves, into cowards, into tyrants. This kind of conversion leaves a curse behind it; when the contest for Home Rule is ended, when the outrages which have marked the last ten years have become a matter of tradition, and when the works of the League are forgotten, the people of Ireland will still suffer from the demoralisation created by conspirators who aimed at attaining the triumphs, without displaying the virtues, of rebellion, and hoped they could redress real, or imagined, wrongs by appeals not to righteousness and to fortitude, but to covetousness and to terror.

Effect of Report on the position of parties.

The conclusions, then, arrived at by the Commissioners and recorded in the Report are facts. They are facts which cannot be altered by the wishes or fancies either of Unionists or of Home Rulers, and which we cannot ignore without bringing upon our country the risk, or the certainty, of destruction. These facts must influence

the whole policy of the United Kingdom, and do already, little as men are aware of it, determine the position of all the great parties whose conflicts make up the public life of our time. That this is so will be clear to any observer who looks into and examines with care the situation and policy of the Parnellites, of the Gladstonians, and of the Unionists.

The Parnellites Their silence

Mr. Parnell and his followers recognise, it would seem, nothing in the adverse nature of the Report which touches their character or their political position. They attach no importance to the evidence brought against the respondents before the Court, or to the condemnation pronounced upon the respondents by the judges. In vindication of their own conduct they say nothing; for the offences of which the most eminent among them have been found guilty they express no contrition. Conspiracy, boycotting, intimidation, begetting outrage and crime, are trifles which they practically pass over without remark. We hear nothing from them of explanation, of apology, of withdrawal from a false position, of repentance for the past, of promised amendment for the future. Abuse of the *Times*; abuse of the Government; abuse of the Attorney General; reiterated assertions of the wrongs done to Ireland; indignation, natural enough, that the charges on which the respondents have been acquitted were ever brought; silence about the charges on which the respondents have been convicted, and which most need explanation or apology;—these have been, broadly speaking, the tactics of the Parnellites. The debate on the Special Commission lasted for days; Mr. Parnell uttered not a

syllable.* His words could not have betrayed so much as his silence.

Contrast between their silence and conduct of British statesmen if in same position.

To measure the strangeness and the importance of the attitude of the Parnellites, let us imagine for a moment that some British statesman—say, Lord Salisbury or Mr. Gladstone—were placed in a situation like that occupied by the leader of the Irish Home Rulers. Suppose that one of these two eminent men were to find himself, with or without his fault, judicially convicted of being the leading member of a society—say, the Primrose League or the Liberal Confederation—which had intimidated opponents by outrage and crime, and which by the use of rash language had stimulated fanatical followers to the commission of murders. Suppose, further, that the society had derived assistance from foreign advocates of assassination, and had given compensation to criminals for injuries incurred in defying the law. We all know how Lord Salisbury or Mr. Gladstone would act. He would speak out; he would explain how he became unwarily mixed up with, or legally though not morally responsible for, designs and deeds which excited his detestation; he would denounce, in the strongest words which the English language supplies, the outrages or crimes rightly or wrongly imputed to his followers; he would express the deepest regret for the errors or oversights of the past; above all, he would promise, on behalf of himself and his party, circumspection and amendment for the future. He would pledge his word that all persons who had disgraced the society to which he

* He was expected to speak by some of the Opposition. See speech of Sir William Harcourt, Hansard, Vol. 342, p. 453.

belonged should be expelled; that the society would make every effort to discover the wrong-doers; that the association should itself, if necessary, be broken up; and that for the future any political agitation of which he was the head should be kept strictly within legal limits. Vindication, explanation, contrition, expression of the firm resolution to avoid, for all time to come, errors which had brought scandal on a party loyal to the law and to the constitution would assuredly be the characteristics of the apology which would at once be delivered by any British statesman convicted of connection with any society which should have practised the methods of political warfare adopted by the Land League. Mr. Parnell offers no apology but silence.

The significance of this reticence is increased by the fact that fortune placed in his hands an admirable opportunity of withdrawing from a false or compromising position. The Report cleared him from the charge which in popular estimation weighed most heavily upon his character. He commanded all the moral advantages possessed among Englishmen by a man who has been the victim of injustice and slander. If Mr. Parnell had, during the debate on the Report, spoken a few distinct words of regret for the past, and had promised a change of conduct in the future—if he had said, for example, that he renounced on behalf of himself and his friends every kind of lawlessness, that boycotting and the Plan of Campaign would be given up, that *United Ireland* should be placed under the management of some editor less manifestly unfit for the discharge of editorial duties than Mr. William O'Brien—if, in

short, Mr. Parnell had given any pledge that the lawlessness which marked the early years of the League should be a matter of the past, and that from this time forth the Home Rule movement should be conducted with the orderliness and respect for law which marked the agitation for the repeal of the Corn Laws—the English people would, whether wisely or not, have accepted his explanations and pledges as a guarantee of reform in the whole action of the League. These explanations and pledges were not given, however; and Mr. Parnell's taciturnity is at least as significant as the recrimination and invective of his followers.

Silence explained by revolutionary character of movement.

It were easy to speculate on the motives for a taciturnity which has prevented Mr. Parnell from assuming the part of a constitutional agitator. Apologies which would dispel the suspicions, or remove the anger, of Englishmen would damp the enthusiasm, and forfeit the support, of the Clan-na-Gael. Language which would gain friends, and certainly strengthen the position of friends, in London might be denounced as faint-heartedness or treachery at New York or Chicago; but it is needless to concern ourselves with secret motives. The plain—I had almost said, the avowed—truth is, that the scheme of boycotting, the so-called "focussing" of local public opinion upon the acts of offenders against the laws of the League, is an essential characteristic of Parnellism. It is not the accident, but the property, of Parnellite agitation; its surrender would deprive the Home Rule movement—not, indeed, of existence, but of activity. The boycotting, moreover, which repels Englishmen is a course of action which Parnellites do not honestly think blameworthy. Their silence is in some sense entitled to respect;

disloyalty is far more respectable than hypocrisy. The offenders who stood before the bar of the Commission Court do not pretend to have any reverence for the law of the land. Mr. William O'Brien discriminates between "illegality," for which he has no disapproval, and "criminality," which he condemns.* Mr. Biggar held any form of exclusive dealing or boycotting, which does not reach physical violence, or the threat of physical violence, to be legitimate.† The putting an end to "land-grabbing," which means simply the lawful hiring of land from a landlord lawfully entitled to let it, is, in the judgment of Mr. Arthur O'Connor, M.P., all but essential to the success of agrarian agitation.‡ Here we come to the root of the whole matter. The source of the criminal conspiracy whereof the leading Parnellites have been convicted, as well as the source of every crime and outrage discovered by the investigations of the Commission, has been the determination of Irish Home Rulers to use intimidation for the purpose of promoting agitation and paralysing the law of the land. It is impossible for them to express any honest regret for their wrong-doing, unless they are prepared—which they certainly are not—to renounce their convictions and forego the practices which lie at the basis of their power. One is glad that no expression of repentance was uttered. While Parnellism is unchanged, it is better for us all that the language of Parnellites should correspond with the beliefs which regulate their action. The situation has, in the eyes

* Evidence, Vol. VIII., p. 121, No. 70,998.

† Evidence, Vol. VIII., p. 408, No. 75,993; *conf. ibid.*, pp. 404, 405.

‡ Evidence, Vol. VIII., p. 437, No. 76,458*a*—76,461.

of Parnellites, undergone no alteration whatever; and Parnellism still remains what it always has been—namely, conspiracy more or less hidden under the appearance of a constitutional agitation.

Report unveils true character of Parnellism.

But in a changing world immutability is equivalent to change. Parnellite reticence has infinite significance. To any man who can use his eyes, and dares to look facts in the face, Parnellism has been, at once by the Report of the Commission, and by the conduct of its supporters, unveiled and made visible in all its features. It is revolution. It resembles, far more closely than most Englishmen are aware, the movements—marked now by agitation, now by conspiracy, now by armed violence—which in France have for a century shaken the foundations of the State. Such peculiar features as it possesses are due to two circumstances:—The passions excited by popular desire for an agrarian revolution have by the Parnellite leaders been artfully enlisted in the service of a more or less factitious movement in favour of national independence; while the strength of the British Constitution, combined with the peculiar state of English opinion, has imposed upon Irish revolutionists a superficial respect for constitutional reforms, which, if it slightly mitigates the violence, increases the insidiousness, of an essentially lawless conspiracy.

The Gladstonians.

If the Report has left the position of the Parnellites in a sense untouched, it has vitally modified or altered the situation and the character of the Gladstonian Liberals.

Till 1886 Mr. Gladstone was, in common with every Minister who has held power in England for the last two

centuries, a strict constitutionalist. He and his followers were reformers, or if you like innovators; they had tried bold or rash experiments in altering both the ordinary law and also the constitution of the country. But no sane man ever dreamt that the Liberals who, from 1868 onwards, followed Mr. Gladstone, were revolutionists. Whatever alterations they advocated were, whether wise or unwise, strictly legal proposals to be carried out by strictly legal methods. Gladstonians originally constitutionalists.

Their Irish policy constituted no exception to this principle. It rested upon the recognition of legal rights and upon the stern enforcement of the law of the land. The principle that no reform, however desirable, justified illegality, amply vindicated, and alone vindicated, the severest of all the miscalled Coercion Acts * which have been passed in modern times. Respect for law does much more than justify a particular statute of extraordinary stringency, which partially suspended in Ireland the right to trial by jury of prisoners accused of murder, and armed the Irish Executive with the widest possible powers for the maintenance of order. It underlies, explains, and justifies the whole Irish policy of Mr. Gladstone between 1880 and 1885, for during these years Mr. Gladstone's statesmanship, whether carried into effect by Lord Cowper and Mr. Forster, or by Lord Spencer and Sir George Trevelyan, aimed consistently at the simultaneous attainment of two objects—the redress by legal means, and by legal means alone, of all the wrongs of Ireland; and the maintenance of the supremacy of the law, by all the resources of civilisation. Nor did the Gladstonian conversion to

* The Prevention of Crime (Ireland) Act, 1882, 45 & 46 Vict., c. 25.

the doctrine of Home Rule of itself make or necessitate any change in the legal and constitutional character of Mr. Gladstone's policy. The repeal of the Act of Union might be, as every Unionist thinks it would be, fatal to the best interests of every part of the United Kingdom. But no lawyer ever maintained that to repeal the Act of Union by a statute of the Imperial Parliament involves contempt for the law, or countenances the revolutionary heresy, that the constitution of a free country may be rightly changed by popular violence.

Changed by Parnellite alliance into revolutionists.

Alliance with Parnellism, as was at once anticipated by calm critics, soon began to weaken among Gladstonians that reverence for legality which is the most permanent, as it has been the most salutary, characteristic of English statesmanship. Since 1886 no leading Gladstonian has, so far as I remember, denounced lawlessness, at any rate in Ireland, with any vehemence or sternness; except indeed when any alleged breach of technical legality was committed by the Ministers of the Crown in their zeal for the maintenance of law and order. No doubt English Liberals at first looked askance on breaches of law. But the necessities of their position soon compelled them to sympathise with the actions of their allies. Condemnation passed into acquiescence, and acquiescence turned into apology. Distinctions drawn by Mr. Gladstone himself* were forgotten, and boycotting became in Gladstonian eyes equivalent to exclusive dealing. Outrages were not of course excused, but placed in a more favourable light, by the plea that worse insults had been inflicted in past centuries by

*See p. 110, *ante*.

Orangemen upon Catholics, or by Catholics upon Protestants. With Gladstonians, morbid sensitiveness to the oppression or bribery of Pitt has increased exactly in proportion to the growth of callousness or indifference to the acts of cruelty and intimidation attributed, as we now know with ample reason, to members of the League. Crimes or sins, such as the torture of animals, which I am thoroughly convinced are as hateful not only to Mr. Gladstone and his followers, but also to Mr. Parnell and Mr. Davitt, as to every man of whatever party who has in his heart a touch of humanity or of Christian feeling, have been passed over by Gladstonians with slight reference or in ominous silence.

It was not, they seem to have held, their business to lecture a nation—it was not, in other words, their duty to raise an effective and reiterated protest against offences which, though they compromised the fair fame of the Irish people and disgraced human nature itself, might be attributed not to the political allies of the Gladstonians, but to the baser fellows among the hangers-on of these allies; the idolators of popular sovereignty are less courageous in rebuking the sins of the people than used to be the nobler among the worshippers of divine right in reproving the sins of kings. Whether morality sanctions or history will condone the Gladstonian views of political obligation is indeed open to doubt. The thought in any case must, I should suppose, torment the conscience of Gladstonian Liberals (whenever it happens not to be fully occupied with the fictitious enormities of Mitchelstown, or with the "blackguardism" which possibly marked the policy of

Pitt), that public, formal, solemn, reiterated protests uttered by Mr. Gladstone, by Mr. Morley, or even by Sir William Harcourt, against those features of Irish agitation which violate the dictates of the human conscience, and do no less to degrade Irishmen than to harden Englishmen against the just claims of Ireland, might have aroused a sense of humanity and shame in the undisciplined and fierce minds of the starved or terrorised peasants; and might have strengthened the hands of humanitarians like Mr. Davitt, who, be it constantly recorded to his high honour, expressed bonâ fide disapproval of crime and outrage. For some reason or another these solemn protests have not been uttered, or if uttered, have been whispered so gently that they have not reached the public ear. The occupation of denouncing the hypothetical and, in many cases disproved, wrong-doing of Mr. Balfour has, I suppose, so pre-occupied the minds of respectable Gladstonians that they have been unable to devote any attention to the now proved offences and crimes of their Parnellite allies.

Report finally fixes position of Gladstonians as revolutionists.

Up to the time when the Commissioners issued their Report it was, however, possible, though one would suppose difficult, for Gladstonian Liberals to believe, by trying very hard, that the accusations of illegality and crime brought against the Parnellite leaders lacked substantial foundation. But the day for extraordinary acts of political faith in Parnellite virtue has now passed away. Happy credulity, or innocent simplicity, is no longer possible; we now know for certain that the Parnellites did enter into a conspiracy by a system of coercion and intimidation to prevent the payment of agricultural rents and to ruin the landlords of Ireland;

we now know that this system was cruel; we know that the leading Parnellites did persist in it with a knowledge of its leading to crime and outrage; we know what boycotting really is; we know that the Plan of Campaign, published and advocated by *United Ireland*, is a scheme at once of robbery and intimidation; and that the Plan is now, under whatever name, actually in force; and that it is carried on with all the vigour which Parnellite sympathy and aid can give it; we now, in short, all of us, whether Gladstonians or Unionists, know, that the Parnellites have adopted a policy of law-breaking and violence, and are for all intents and purposes, revolutionists. This is known to all the Gladstonians—to Lord Spencer, to Lord Herschell, to Sir George Trevelyan, to Mr. Morley, no less than to Sir William Harcourt, to Mr. Conybeare, and to Mr. Labouchere. The choice of paths lies before them, or rather it has lain before them; they have, or rather have had, the option of preserving the position of constitutionalists by breaking with the policy of revolution, or of allying themselves with revolutionists at the expense of sacrificing the character of constitutional statesmen. The matter may be brought to a clear, simple, and plain test. The campaign carried on against Mr. Smith Barry is nothing but the newest invention of lawless agitation. It is an open breach of law; it is a breach of good faith; it is an act of gross oppression, and (as it chances) of oppression to a citizen who has every claim to the highest respect. Do the Gladstonians detest or do they approve or sanction the campaign against Mr. Smith Barry? On the plain answer to this plain question everything depends. If the Gladstonians, in common with

all Unionists, detest the campaign and denounce it, and publicly make the withdrawal of the attack on Mr. Smith Barry an essential condition of the continued political alliance between English Liberals and Parnellites, then, but on no other terms, the Gladstonians may return to the position of a constitutional party. The crisis does not brook delay. This is no time for silence; now, if ever, silence implies consent; what is demanded of the Gladstonians by every Englishman who cares either for individual freedom or for justice between man and man, is the distinct, formal, unmistakable denunciation of the Plan of Campaign now being fought out by the Parnellites. A letter from Hawarden written in clear and unmistakable language would be enough to settle the whole matter. Unhappily, Mr. Gladstone has not yet uttered that clear, stern denunciation of the attack on Mr. Smith Barry, which alone can, to any extent, relieve Gladstonians from the charge of sympathy or complicity with revolution. Until this denunciation is uttered, until Gladstonian co-operation with Parliamentary Parnellism is publicly made conditional upon the renunciation by Parnellites, both in and out of Parliament, of the Plan of Campaign, we all shall know, or rather we do know, what to think; we know that the Gladstonians do not for any real purpose condemn the Campaign; we know that they have thrown in their lot with the party of revolution. The truth is—and it is a truth which, though obvious, cannot be too often repeated—that the issue of the Report, and the discussion to which it has given rise, have practically fixed the attitude of the Gladstonians. They have by their apologies and by

their silence, by their words and by their acts, adopted the morality of Parnellism. The constitutionalists of 1886 have been transformed into the revolutionists of 1890.

Gladstonians not entirely conscious of change.

Gladstonians, I doubt not, will honestly deny the truth of this assertion; they are but partially conscious of the change which has come over themselves and over the spirit of their policy. Their position admits in their eyes of justification. The wrongs of Ireland, they believe, deprive the law in Ireland of moral validity; they may think that courses of action which are opposed to the habits and convictions of Englishmen, and from a legal point of view are indefensible, are necessary for the maintenance of the agitation in favour of Home Rule, and are therefore, if not absolutely praiseworthy, yet not greatly to be blamed. The maxim that you cannot carry through a revolution by dealing with it with kid-gloves, has, in one shape or another, always possessed great fascinations for virtuous and more or less moderate statesmen who saw, or thought they saw, that the cause of progress might gain by occasional deeds of violence which these men of virtue had themselves neither the daring to commit nor the unscrupulosity entirely to approve. There is little in the movement which disturbs Ireland that has not under different names and in different forms, characterised the revolutions of other countries. French constitutionalists saw no great harm in the violence of Republican enthusiasts, or of Parisian mobs, as long as the people of Paris thwarted the schemes of the Court. It was only when the Monarchical Constitution had perished that Liberal Constitutionalists deprecated violence. The

Girondists held that insurrection at Paris was the expression of the will of France, till the Parisian mob rose, and, in the name of the French people, sent the Girondists to the prison and the guillotine. At every stage of the French Revolution men bent on securing popular rights, or on removing popular grievances, felt the utmost difficulty in convincing themselves that, in any conflict between authority and the people, it could ever be the people who were in the wrong, or that the clamour of the multitude was not entitled to the respect due only to the voice of the nation, speaking through the law which is the one authoritative expression of the nation's will. Gladstonians, moreover, convinced that the legislative union can with safety be dissolved, or relaxed, because we can now trust the fortunes of the State to the union of hearts, hold, we may assume, that true policy, no less than humane feeling, forbids anything which savours of harshness towards Irishmen guilty only of illegality. The technical justice of lawyers must for a time give way to the claims of goodwill and benevolence. This too is the well-known policy of all revolutionists when unable to exercise the authority of the State on behalf of their own doctrines. Never has there been a time since the outbreak of the great Revolution when some French Opposition has not been prepared to assert, and to believe, that it is the enforcement of the law which causes the breach of the law, and that if only justice would close her eyes to wrongdoing and lay down her sword, the good heart of the people, not being irritated by opposition, would obey its own noble instincts, and true equity would rule under a government which, ceasing

to govern, relied on appeals not to fear of punishment, but to sentiments of generosity. What may be the worth, either in Ireland, or elsewhere, of this policy of constant concession to the popular feeling of the moment, is a matter which does not for my present argument require careful examination. It is not necessary for us to weigh the grounds, good or bad, on which Gladstonians may justify to themselves their connivance at revolutionary methods. What does concern every Unionist is to note that Gladstonian Liberalism has adopted revolutionary principles and revolutionary practices.

The Unionists.

Unionists do not, any more than any other party in the State, stand unaffected by the publication of the Report.

Unionism injured for the moment by Pigott forgeries.

The exposure and condemnation of the Pigott forgeries* for the moment damaged, and seriously damaged, the Unionist cause.

No Unionist statesman, indeed, is any more responsible for these forgeries than he is for Mr. Parnell having inadvertently given a cheque of £100 to Byrne, or for Mr. Parnell having accepted five dollars for bread and twenty for lead, or for the owners and editor of *United Ireland* having made savage or slanderous attacks upon Lord Spencer, Sir George Trevelyan, and Mr. Balfour. But parties, no less than individuals, suffer for, and deservedly expiate, their errors no less than their faults. Many Unionists, in spite of warnings here and there raised † to caution them against the peril of the course they were pursuing, pledged the

* As to these forgeries see Report, pp. 58, 59, and Appendix VI., p. 156.

† See "A Word of Warning," *Spectator*, 1st Sept. 1888.

credit of their cause on the authenticity of the celebrated "letters." The politicians who did this undoubtedly believed that the letters falsely attributed to Mr. Parnell were in fact written by him. They thought, and, as we now know from the Report, they thought with reason, that Mr. Parnell's word was not to be trusted. They rushed, therefore, to the conclusion, which we now know from the Report to be utterly groundless, that Mr. Parnell had, with reference to the letters, told a lie. This culpable mistake has brought its own punishment, and teaches its own lesson. The character of individuals may be a vital element in the determination of policy, but principles never need to be defended by personalities. The proof that Mr. Parnell wrote the letters forged by Pigott, would not, could it have been made out, have disposed of the arguments which may be adduced, or the sentiments which may be appealed to, in favour of conceding Home Rule to Ireland. Parnellism would survive the discredit, as it certainly would survive the death, of Mr. Parnell. The cause of Unionism has suffered, and is suffering, because its advocates let a question of high national policy be placed on a level with the inquiry into the veracity of an individual politician.

Unionism permanently strengthened by Report.

A deplorable error has thus brought upon the Unionists temporary damage, but the Unionist cause has, for all this, gained great and lasting advantage from the inquiry before the Commission Court. The Report of the Commission, while not confirming some sensational and reckless accusations brought bonâ fide, but without due examination, against the respondents, or some of them, pronounces a

calm, judicial decision on what have hitherto been disputed matters of fact; and for that very reason it has added untold strength to the Unionist position.

The Report, in the first place, proves that the foundations of Unionist policy are sound and unshakable. 1. Foundations of Unionist policy proved sound.

This is a matter which deserves the most careful consideration.

Unionist policy has always depended in great part on two assumptions.

The first is that the movement which for the last eleven years and more has disturbed Irish society to its depth is in its essence agrarian rather than national. First foundation. Irish movement proved to be agrarian not national.

No man of sense, of course, has ever denied the existence in the minds of many Irishmen of great dislike, or, if you will, intense hatred of England. No fair-minded person can deny that this sentiment of disloyalty admits of only too easy explanation, or, from a Fenian's point of view, of justification. Nor is there any sense in shutting one's eyes to the fact that many Irishmen are Nationalists in the strict sense of the word, and believe that the prosperity of Ireland can be achieved only by the attainment of a national independence at least as complete as the independence enjoyed by Switzerland or Belgium. All these things are matters of common knowledge, and, if there be any man to whom they are unknown, he may remove his ignorance by reading the evidence given before the Commission Court. What Unionists have maintained and do maintain with confidence, is that though many Irishmen are Nationalists, aspirations for national independence would never of themselves in the present state of the world convulse Ireland. The

strength of Parnellism, they urge, lies in its appeal to the passion of Irish tenants for the ownership of land, and in their detestation of a system of tenure unsuited to the country, and unlike the land law existing in well-nigh every European country except England. They believe, further, that if the revolutionary movement in Ireland be supported in part by aspirations for a separate national existence, and mainly by the passionate desire for the possession of land, it owes no part of its strength to a general wish for any one of those various schemes of local autonomy which are pressed upon the acceptance of England under the name of Home Rule.

Now, every line of the Report, and still more every word of the evidence which lies at the basis of the Report, proves to demonstration that the Unionist assumption is true.

Whoever listened to the evidence of the politicians, land agents, priests, or peasants, called before the Court, or any man who has read the official record of that evidence, whether published in the Parliamentary "blue book," or in reprints from the *Times*, will easily ascertain how matters stand. Among the respondents, and the allies of the respondents, there are many Nationalists. There are many men who would prefer—and it is an honourable preference—a fair fight with England on the battle-field, if they saw any prospect of victory, to a contest carried on by the cruelty and the cowardice of boycotting, or by the meanness, the shuffling, and the duplicity of Parliamentary intrigue. But these enthusiasts know, what any reader of the Report can know also, that the desire for National independence is not a passion strong enough to bring the

peasantry of Ireland into the field of battle. It is the passion for land, not for independence, which moves the Irish farmers. It is the Land League, the staying of evictions, the attack on land-grabbers, the refusal of rent, and the like, which have roused whole districts to defiance of the law. A real "National" League, aiming only at national independence, would have excited no greater stir among the occupiers of land than did the Home Rule policy of Mr. Butt. If any man could have excited Ireland as a nation to enthusiasm for Repeal of the Union, it was O'Connell. If any men could have stirred up the Irish peasantry to a struggle for national independence, the enthusiasts of 1848, or the Fenian conspirators of 1866, might have achieved the feat. Where O'Connell and Young Ireland and the Fenians have each and all failed, Mr. Parnell would never have succeeded. His success arises from his embracing objects different from the ends pursued or contemplated by his predecessors; he has adopted the principles of Lalor*; he has linked a feeble and factitious agitation for parliamentary independence to a strong and genuine effort for obtaining possession of Irish land by Irish peasants. If Mr. Davitt has been in any sense diverted from schemes for the foundation of Irish independence, the reason probably is that he deems the nationalisation of land a greater benefit to Ireland than could be her existence as a separate nation. Of desire for the ownership of land, of ill-will to landlords, of hatred to

* For an account of J. F. Lalor see Sir C. Gavan Duffy's "Four Years of Irish History" (1845—1849), page 464, and Evidence, Vol. IX., pp. 420, 421, No. 87,281.

the payment of rent, of detestation for land-grabbers, the evidence before the Commissioners tells us enough, and more than enough. Of Nationalist aspirations and plots it tells us something, though not much. About the existence of any popular desire for Home Rule, whether in the form proposed by Mr. Gladstone's Bill or under any other form, it tells us nothing whatever. When we come face to face with real Irishmen who represent genuine Irish feeling, we are delivered at once from all the Home Rule delusions of Gladstonian Liberalism. I doubt whether as much as ten pages could be produced from the volumes of evidence submitted to Parliament, from which you could show that any representative Irishmen really, in truth and for its own sake, desired Home Rule. There are no doubt plenty of Home Rulers in Ireland; but these Home Rulers, to judge of them by their representatives who came before the Commission, are either Nationalists, who desire for Ireland a national independence which they know they cannot at this moment obtain, or, far more often, men who believe that their own prosperity or the happiness of their countrymen depends on transferring to Irish tenants the ownership in Irish land. The Unionists are right; we have to deal with an agrarian revolution, not with a genuine movement for colonial or federal independence.

Second foundation Parnellites untrustworthy

The second assumption of the Unionists has been that Mr. Parnell and his associates are among the most untrustworthy of politicians, and possess neither the will, nor, if they had the will, the power, permanently to govern the movement which, as Gladstonians hold, will be terminated by

the concession to Ireland of a more or less independent Parliament.

On this point again the Report and the evidence taken before the Commission proves that the Unionists are right.

Personal character of Parnellites affects policy of Home Rule.

Every fair-minded man who supports what he believes to be the side of truth, wisdom, and justice, in a great political battle, will to the best of his ability eschew as far as possible all merely personal questions, especially questions affecting the veracity of his opponents. Complete avoidance of such questions is unhappily in some cases—and the Home Rule controversy is one of them—impossible. For Home Rule must under any of its forms be an elaborate contract made between England and Ireland; or, to get rid of metaphors, in effect between English leaders such as Mr. Gladstone and Lord Spencer, acting as agents for the people of Great Britain on the one side, and Irish leaders such as Mr. Parnell, Mr. Wm. O'Brien, and Mr. Davitt, acting as agents for the people of Ireland on the other. This contract must, like every other agreement, at any rate of a political character, contain terms which are disadvantageous to one or other of the parties; and taken as a whole cannot completely satisfy the wishes of either contracting party. As in the case of any other contract, the course of events is certain to raise unforeseen disputes which cannot always be decided, or misunderstandings which cannot always be removed, in the way desired by one party to the contract alone. If all questions about the interpretation or working of a contract between *A* and *B* are invariably to be determined in accordance with *B's* wishes, *A* will certainly

find that he had acted more wisely never to have entered at all into a contract of which he may be compelled to bear all the burden and to lose all the benefit. What holds good of agreements between individuals holds good also of agreements between different countries making up one State. Great Britain is asked to enter into a most elaborate constitutional agreement with Ireland—an agreement which, unless all human appearance is deceptive, is certain to give rise to debate and differences. The question then whether the persons who will guide Irish opinion, and will, in the first instance at any rate, and probably during the period of greatest difficulty, be called upon to act on behalf of Ireland, can be trusted to carry out fairly the bargain, becomes a matter of the most vital consequence.

This would be true if we had nothing else to consider under a scheme of Home Rule than the relations between Great Britain and Ireland. But it happens that a matter of equal political, and greater moral, importance demands consideration. Irish loyalists, that is, speaking roughly, all the Protestants, and the most respectable among the Catholics, of Ireland, detest a policy which involves the repeal of the Act of Union. These loyalists demand, and have a right to demand, that England shall, under any scheme of Home Rule, secure that their interest shall be safeguarded and respect be paid not only to their rights, but to their legitimate sentiment. This is for England a matter of honour, which is the same thing as saying that it is a matter of the highest expediency. Now, the question whether or not arrangements made for the benefit of Ulster, for the preservation to Irish Protestants of religious freedom, and for

ensuring to Irish landlords respect for their rights as owners of land, will be worth as much as the parchment on which they are recorded, depends, at any rate in great part, on the result of the inquiry whether the Parnellites are men whose word could be trusted. Are they politicians distinguished by scrupulous good faith, who, at any risk of popularity or of influence, will urge upon the Irish people the absolute necessity of keeping the terms of a public compact, even to their own disadvantage, and even though the terms are opposed to the wishes of a majority of Irishmen? This is a vital question. Do not let me be supposed guilty of the unfairness of assuming that the character of one only of the parties to a contract is of importance; it is of course both prudent and right that Mr. Parnell and Mr. Davitt should consider in entering into any arrangement whether they can trust English statesmen to carry out its provisions. This I do not for a moment dispute; but the question before Englishmen now is, whether Great Britain shall enter into a particular constitutional arrangement supposed to be desired by Irishmen. For Unionists, therefore, the point to be looked to is, whether the Irish leaders are men whose good faith can be trusted. Unionists say that they are not trustworthy. It is a topic, therefore, on which I must insist, that the Report, combined with the evidence given before the Commissioners, show that the assertion made by Unionists is true. Mr. Parnell's word, when solemnly given on oath, has been treated by the Commission as untrustworthy.* Neither Mr. Davitt, whose life has been passed in attempts to undermine the power of England; nor

* See p. 72, *ante*.

the editor of *United Ireland*, who has made systematic slander a weapon of political warfare; nor the politicians who have passed from the plots of Fenianism into the organisation of the League; nor any of the men who have conspired to ruin the landlords of Ireland by a system of boycotting and cruel intimidation; nor the admirers of Patrick Ford, who have sought for and obtained the co-operation of the Clan-na-Gael, are persons to whose good faith towards England any statesman dare entrust the safety of the United Kingdom.

Rebels, it is replied, have before this been turned into loyal citizens. This is true. A Unionist's distrust, however, of the Parnellites is based on the consideration that they have not been open rebels. They have attempted to combine the advantages of conspiracy with the inconsistent advantages of respect for the law and constitutional agitation. It is this feature of Parnellism which, in the eyes of Englishmen, falsifies the whole position of the Parnellites, and fills the minds of honest men with a peculiar kind of distrust not felt towards the advocates of open rebellion or treason.

Creation of Irish Parliament will stimulate grounds of quarrel.

To all this we must add that, as already pointed out, rebels have in general become loyal citizens only when, from the absolute victory of one party or another to a civil conflict, the reasons for disloyalty have passed away. The creation of an independent Parliament in Ireland will rather stimulate than put an end to real or apparent conflicts between the interests of Great Britain and what will then be a separate though not independent state. Every reason or excuse which now exists

in the eyes of Parnellites for using their rights under the law of the United Kingdom in order to undermine the power of the United Kingdom, and the authority of the Government of the United Kingdom, will still be in existence when Ireland has obtained a more or less independent Parliament. Englishmen have been fairly warned.

"We cannot, under the British Constitution, ask "for more than the restitution of Grattan's Parliament. "(Renewed cheering.) But no man has the right to fix "the boundary to the march of a nation. (Great cheers.) "No man has a right to say to his country, 'Thus far shalt "'thou go and no further,' and we have never attempted to "fix '*ne plus ultra*' to the progress of Ireland's nation-"hood, and we never shall."*

Five years have passed since Mr. Parnell spoke these words. The principle they embody, if sound at all, holds as true in 1890 as it was in 1885, and will remain as true as ever in 1895 or in 1900. Mr. Parnell, when he enunciated it, was a member of the British Parliament. There is no reason to suppose that he will be less ready to give effect to this principle if ever he should become both an Irish Premier appointed by an Irish Parliament sitting in Dublin, and at the same time—in accordance with the newest among the ever-changing forms of Home Rule doctrine—a member of the English Parliament sitting in London. That the change in Mr. Parnell's position will increase his power of injuring England is clear; that it will decrease the temptation, or (as it might well seem to him) the moral obligation, to weaken the

* Report, p. 21.

power of England for the advantage of Ireland, is a position in favour of which I am unable to adduce or to imagine a single argument. We may trust, it will perhaps be said, to the reverence felt for a great constitutional compact. The suggestion is futile. The politicians who have formed and guided the League are the men who must of necessity be, at any rate for many years, the leaders of an Irish party. Credulity itself will hardly suggest that they are the sort of persons who would or could stand by their compact with Great Britain. Every trait they have displayed, their virtues no less than their faults, show that *pactum serva* is the very last motto which the heroes of the League will adopt for the guidance of Irish statesmanship. Irish interests, Irish wishes, Irish sentiment, Irish fancies, not the rights of Great Britain under a federal constitution, will and must be decisive of their action. Men who have never shown any reverence for the private agreements between even a good landlord and his tenants, will never show respect for the rights of Great Britain under a Parliamentary treaty. For this they are not greatly to be blamed. Few are the states or the statesmen by whom international obligations are held in as high respect as the obligations of private life; and the inherent weakness of Federalism, under all or any of its forms, is that it places the separate states in a position not unlike the position of separate nations. The situation in which the Parnellites would be placed under a system of Home Rule is exactly the situation calculated to bring into prominence the weakest side of their character. A movement based upon "duplicity," in the literal sense of that term—that is, on

the combination of constitutional agitation with revolutionary methods—will never train up statesmen conspicuous for respect for law and for stringent good faith.

Two maxims of Unionist policy confirmed.

The two main assumptions of Unionism are shown to be true: the two main maxims, therefore, of Unionist policy are placed on a foundation strong as a rock.

First maxim. Reform grievances, resist Home Rule.

"Reform in the tenure of Irish land," removal of every demonstrable grievance, and dogged resistance to every form, however plausible or insidious, of Home Rule, were watchwords originally suggested to every Unionist by the almost instinctive sense of national self-preservation. These watchwords have now become established principles, resting on facts ascertained with all the certainty resulting from the most thorough and complete judicial investigation.

Second maxim. Unionism opposition to revolution.

Unionism is, in the second place, proved to be not so much antagonism to a particular scheme of constitutional reform, as the maintenance of legal justice in opposition to revolution.

In 1886 Unionism was in truth opposition to a dangerous innovation. The conflict between Unionists and Home Rulers did not at its outset involve more than a fair disagreement as to a matter of policy; it did not in appearance at least depend upon any rooted difference of moral beliefs. In 1890 things stand far otherwise. The means by which Parnellites and Gladstonians alike seek to attain their end are far more dangerous than the end, full of peril though it be, which they seek to attain. Any man may desire Home Rule and yet respect the law of the land. A man cannot, as things stand, adopt Parnellism, or for

that matter Gladstonianism, without favouring revolution. The opposition between Unionists and Gladstonians is now the essential opposition between citizens who are determined that even legal or desirable ends shall never, in a free state, be attained by violent and lawless methods—and men who hold that ends which, rightly or not, they hold desirable or politic or just, may, even in a free country, be attained by means which break the law of the land and undermine the power of the state. The cause of Unionism has thus become the cause of legal justice against the cause of violence, the cause of constitutionalism against the cause of revolution.

And respect for individual freedom.

Nor does the difference end here. The one main object for which, in the eyes of Unionists, the state and the powers thereof exist, is the protection of the legal rights of individuals. The object for which in the eyes of Gladstonians the power of the state ought at any rate to be used is, in the main, the giving effect to the predominant sentiment of bodies large enough to usurp the name of the people.

We shall see the difference best if we suppose for a moment that boycotting were really nothing worse than the extreme pressure placed upon the legal action of landlords, tenants, and others, by "focussing," as Sir Charles Russell calls it, the opinion of a locality upon the legal though unpopular action of an individual.

Unionists maintain that the duty of the state is to see that this process of "focussing" does not, as it almost certainly will do, deprive an individual of his lawful freedom; the more isolated the individual the stronger his

claim for legal protection. If one man in a village of a thousand chooses to exercise his legal rights, as for example to sell goods to a neighbouring landlord who is boycotted, and the whole remaining nine hundred and ninety-nine villagers disapprove of that one man's conduct, and try by the focussing of public opinion to control his action, it is the one unpopular individual whom the state is pre-eminently bound to protect. To assert this in round terms may seem now-a-days to be the maintenance of a paradox. But the doctrine defended is one which to every Liberal brought up under the convictions which till recently were associated with Liberalism, appears a mere truism.

This paradox or truism is at any rate a dogma to which no Gladstonian or Parnellite gives genuine or hearty assent. It is still, I conceive, theoretically conceded that individual freedom is worthy of protection, and that a legal right means a right which the law ought to protect a man in exercising, even though its exercise be unpopular. But I do not think injustice is done, even to moderate Gladstonians, by asserting that they do believe that the opinion of a locality is a thing greatly to be respected even by officials charged with the execution of the law. To respect, in short, manifestations of popular feeling is in their eyes almost, if not quite, as important as to secure the admitted rights of individuals. A widow who deals with Mr. Smith Barry is boycotted; her windows are smashed, and her entire staff of labourers and dairy-women are frightened into leaving her without previous notice. Mr. Gladstone is asked whether he will not give public expression to the disapproval, which he doubtless feels, of such conduct.

The reply is noteworthy. "I am afraid," he writes to his correspondent, "your views and mine on the subject of "compulsion are widely apart, and I could not enter on "your subject generally without adverting to the deplorable "and exasperating conduct (as I view it) of Mr. Smith Barry "in arresting the settlement of the Ponsonby estate. But if "the windows of the widow lady were broken as you describe "it was an unfeeling and gross outrage which I should be "glad to see sharply punished." * I cite this note because it raises in the distinctest form the difference of principle or of sentiment which divides Unionists and Gladstonians. We all of us—and I am absolutely sure Mr. Gladstone is among the number—abhor such acts as the breaking of the widow's windows, and would be glad to see the outrage sharply punished; but here our agreement ends. Gladstonian Liberalism apparently teaches that the conduct of Mr. Smith Barry (that is to say his taking part in legal resistance to an illegal conspiracy) is some excuse for oppressing in the grossest manner helpless persons whose only offence is to have exercised their right of dealing with him in defiance of the opinion of the community. To Unionists the matter appears in a different light. Were Mr. Smith Barry's conduct as deplorable and exasperating as, in the opinion of most Englishmen, it is praiseworthy and public-spirited, still his unpopularity is absolutely irrelevant when used as an excuse for attacks upon his liberty and, *a fortiori*, upon the liberty of some neighbour whose only offence is, at bottom, approval of conduct which others

* See correspondence between the Rev. H. V. White and Mr. Gladstone of 21st, 24th, and 26th May, *Notes from Ireland*, No. 9, Vol. 4.

condemn. The end for which the state exists is to prevent tyranny. The Puritans and Whigs of former days took up arms in order that a King might not defy the law of the land. The Whigs and the Conservatives of to-day stand banded together as Unionists in the determination that the despotism of village opinion, enforced by the outrages of village ruffians, shall not destroy that legal liberty of individuals which the sacrifices of our forefathers secured against the lawlessness of the Crown.

Moral basis of Unionism.

Unionists thus become the representatives of a fundamental principle rather of ethics than of statecraft. It is at bottom reverence for individual freedom. This predominant respect for each man's private rights, is, let me add, the one secure protection for the liberty or happiness of any man or class of men. For there is no individual, there is no class, against whom the course of events may not excite popular odium. Now it is Churchmen, now Puritans, now Tories, now Whigs, at one time Catholics, at another Dissenters, at another Jews, or at another Irishmen, who are the victims to popular antipathy. They have each claimed, and in the long run, claimed with effect, that the law shall protect them in the rights of citizens. Unionists now appeal to every class of men who have themselves in times pas felt the need of the law's protection, to extend that pro tection to those who now need it, to the Irish landlord, to the Irish Protestant, to the Irish loyalist, to the Irish law-abiding citizen who chooses to pursue his own path, even though the road be one which the League, or the branches of the League, forbid him to tread. Unionists now base their appeal upon grounds of justice, for they are assured

that the British people are governed (little as demagogues may believe this) by their belief in equity and in righteousness. But the appeal may equally well be based on grounds of expediency. The time may well come when the injustice of local opinion will condemn men, or classes of men, who now do not suffer in body or estate from unpopularity. Is it certain that the detestable hatred of Jews, which has raged not only in Russia, but in countries as civilised as England, may not cross the Channel? Are Irish labourers so popular with English artisans, that there is no risk of English workmen taking up the odious idea that Ireland for the Irish means England for the English? Is it quite certain that workmen who vote for Home Rule under the impression—assuredly mistaken—that it means the return home to Ireland of Irish competitors, will not, when their absurd expectation is disappointed, attempt, by "focussing the public opinion" of English workshops upon Irish labourers, to compel an exodus from England which has not resulted from the breaking-up of the Union? It is hateful, even in imagination, to contemplate a persecution of any class of our fellow-citizens, which every man of feeling or patriotism will be bound to resent as a personal injury to himself. I doubt not that if Jews or Catholics or Irishmen should become the victims of boycotting in England, every Unionist would rally to the defence of the oppressed. What I insist upon is that such oppression is not impossible, that every man who palliates boycotting in Ireland, sanctions unwittingly the most odious forms of tyranny in England, and that the sufferers from such tyranny, wherever it should arise, will be forced to

seek protection from that reverence for legal freedom which is the bond which binds Unionists together with the strength of a moral bond.

For the cause of Unionism, which always was and still remains the cause of national unity, has now, owing to the general current of events, and specially to the effect of the Report, assumed an even nobler character than it originally possessed. It has passed into the cause of legality against revolution, of individual freedom against organised oppression. Hence there has arisen that real union of hearts between men who once belonged to opposing parties, which admittedly perplexes and, it may be suspected, dismays Gladstonians. There exists more real sympathy between the extremest Tory and the extremest Republican, each of whom is determined that the constitution shall never be changed except by legal means, and that no mob or faction, great or small, shall be allowed to suppress the freedom of individuals, than there can exist between the extremest Radical who detests lawlessness, and the most moderate Gladstonian who smiles at conspiracy, identifies exclusive dealing with boycotting, winks hard at the enormity of the Plan of Campaign, and fancies that "deplorable and exasperating"—*i.e.*, unpopular—conduct on the part of man or woman may deprive the offender of moral claim to the exercise of the freedom which the law secures, and may palliate inroads upon liberty which culminate in detestable outrages. The respect for law, and supreme reverence for the rights of individuals, are sentiments each of which have been violated by the offenders brought before the

bar of the Special Commission. They are the feelings or convictions which form the only certain basis on which to rest a policy of progressive reform; they are the principles or convictions which enable Conservatives, Liberals, and Radicals, to form the ranks of one indissoluble army. Of such principles, it has well been said, they are like all the axioms of true politics, but the principles of morality enlarged; and "as they are not of our devising, "but moulded into the nature and essence of things, will "endure with the sun and moon, long—very long—after "Whig and Tory, Brunswick and Stuart" [we may add, Unionist and Gladstonian], "and all such miserable bubbles "and playthings of the hour are vanished from existence "and from memory."*

* Burke, Correspondence, I., pp. 332, 333.

APPENDIX.

I.—COMMISSIONERS' FINDINGS.*

I. We find that the respondent Members of Parliament collectively were not members of a conspiracy having for its object to establish the absolute independence of Ireland, but we find that some of them, together with Mr. Davitt, established and joined in the Land League organisation with the intention by its means to bring about the absolute independence of Ireland as a separate nation. The names of those respondents are set out at page 32 of this Report.

II.—We find that the respondents did enter into a [criminal†] conspiracy by a system of coercion and intimidation to promote an agrarian agitation against the payment of agricultural rents, for the purpose of impoverishing and expelling from the country the Irish landlords, who were styled the "English Garrison."

III. We find that the charge that "when on certain "occasions they thought it politic to denounce, and did de- "nounce certain crimes in public they afterwards led their "supporters to believe such denunciation was not sincere"

* Italic type means not guilty; black type, guilty; larger type than ordinary, not proven.

† For addition of word "criminal" see Report, p. 54.

is not established. We entirely acquit Mr. Parnell and the other respondents of the charge of insincerity in their denunciation of the Phœnix Park murders, and find that the "facsimile" letter on which this charge was chiefly based as against Mr. Parnell is a forgery.

IV.—**We find that the respondents did disseminate the "Irish World" and other newspapers tending to incite to sedition and the commission of other crime.**

V. We find that the respondents did not directly incite persons to the commission of crime other than intimidation, **but that they did incite to intimidation, and that the consequence of that incitement was that crime and outrage were committed by the persons incited.** We find that it has not been proved that the respondents made payments for the purpose of inciting persons to commit crime.

VI. We find as to the allegation that the respondents did nothing to prevent crime and expressed no *bonâ fide* disapproval, that *some of the respondents, and in particular Mr. Davitt, did express bonâ fide disapproval of crime and outrage,* **but that the respondents did not denounce the system of intimidation which led to crime and outrage, but persisted in it with knowledge of its effect.**

VII.—**We find that the respondents did defend persons charged with agrarian crime, and supported their families,** but that it has not been proved that they subscribed to testimonials for, or

were intimately associated with, notorious criminals, or that they made payments to procure the escape of criminals from justice.

VIII.—**We find, as to the allegation that the respondents made payments to compensate persons who had been injured in the commission of crime, that they did make such payments.**

IX.—As to the allegation that the respondents invited the assistance and co-operation of and accepted subscriptions of money from known advocates of crime and the use of dynamite, **we find that the respondents did invite the assistance and co-operation of and accepted subscriptions of money from Patrick Ford, a known advocate of crime and the use of dynamite,** but that it has not been proved that the respondents or any of them knew that the Clan-na-Gael controlled the League* or was collecting money for the Parliamentary Fund. **It has been proved that the respondents invited and obtained the assistance and co-operation of the Physical Force Party in America, including the Clan-na-Gael, and in order to obtain that assistance, abstained from repudiating or condemning the action of that party.**

There remain three specific charges against Mr. Parnell, namely:—

(*a.*) "That at the time of the Kilmainham negotiations

* *I.e.*, the Irish National League of America. *See* Report, pp. 118, 119, League.

"Mr. Parnell knew that Sheridan and Boyton had been "organising outrage, and therefore wished to use them to "put down outrage."

We find that this charge has not been proved.

(*b.*) "That Mr. Parnell was intimate with the leading "Invincibles, that he probably learned from them what they "were about when he was released on parole in April, "1882, and that he recognised the Phœnix Park murders "as their handiwork."

We find that there is no foundation for this charge. We have already stated that the Invincibles were not a branch of the Land League.

(*c.*) That Mr. Parnell on 23rd January, 1883, by an "opportune remittance enabled F. Byrne to escape from "justice to France."

We find that Mr. Parnell did not make any remittance to enable F. Byrne to escape from justice.

The two special charges against Mr. Davitt, viz.: (*a.*) "That he was a member of the Fenian organisation, and "convicted as such, and that he assisted in the formation "of the Land League with money which had been contri- "buted for the purpose of outrage and crime;" (*b.*) "That "he was in close and intimate association with the party "of violence in America, and was mainly instrumental in "bringing about the alliance between that party and the "Parnellite and Home Rule Party in America;" are based on passages in the *Times* leading articles of the 7th and 14th March, 1887. "The new movement was appro- "priately started by Fenians out of Fenian funds; its

"'father' is Michael Davitt, a convicted Fenian." "That "Mr. Parnell's 'constitutional organisation' was planned "by Fenian brains, founded on a Fenian loan, and reared "by Fenian hands."

We have shown in the course of the report that Mr. Davitt was a member of the Fenian organisation, and convicted as such, and that he received money from a fund which had been contributed for the purpose of outrage and crime, viz., the Skirmishing Fund. It was not, however, for the formation of the Land League itself, but for the promotion of the agitation which led up to it. We have also shown that Mr. Davitt returned the money out of his own resources.*

With regard to the further allegation that he was in close and intimate association with the party of violence in America, and mainly instrumental in bringing about the alliance between that party and the Parnellite and Home Rule Party in America, **we find that he was in such close and intimate association for the purpose of bringing about, and that he was mainly instrumental in bringing about the alliance referred to.**

II.—NAMES OF THE RESPONDENTS AFFECTED BY THE REPORT.†

C. S. PARNELL.	THOMAS SEXTON.
JOHN DILLON.	JEREMIAH D. SHEEHAN.
JOSEPH G. BIGGAR.	JAMES LEAHY.

* This Finding does not fall precisely under any of the three above heads —guilty, not guilty, and not proven,—and is therefore printed in ordinary type.

† This list is taken from Report, p. 54, but compare pp. 2 and 3.

Edward Leamy.
John Barry.
T. P. O'Connor.
M. Harris.
W. O'Brien.
T. D. Sullivan.
T. M. Healey.
Tim. Harrington.
Ed. Harrington.
A. O'Connor.
Jos. E. Kenny.
W. Redmond.
J. E. Redmond.
Justin McCarthy.
J. O'Connor.
Th. Jos. Condon.
J. J. O'Kelly.
Andrew Cummins.
Jos. R. Cox.

Patrick O'Hea.
Dr. Tanner.
Morris Healey.
Thomas Quinn.
Danl. Crilly.
Henry Campbell.
Patk. J. Foley.
J. J. Clancy.
J. F. K. O'Brien.
R. Lalor.
Thos. Mayne.
Jno. Deasey.
J. C. Flynn.
Jeremiah Jordan.
W. J. Lane.
D. Sheehy.
Donald Sullivan.
Gametr. M. Byrne.
Michael Davitt.

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